THE

Statutes at Large,

Containing all the

PUBLICK ACTS

OF

PARLIAMENT

FROM THE

Seventh Year of the Reign of His preſent Majeſty

King GEORGE the Second,

To the Fourteenth Year of His preſent Majeſty's Reign inclusive.

To which is prefixed,

A TABLE of the TITLES of all the Publick and Private STATUTES during that time.

VOLUME the SEVENTH.

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A

TABLE

OF ALL THE

Publick and Private Statutes,

FROM THE

Eighth Year of the Reign of King *GEORGE* the Second, to the Year 1741, both inclusive.

Publick Acts.

Anno 8 *Geor.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty five.
2. An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.
3. An Act for repairing the Roads from the Town of *Manchester*, leading through *Newton*, *Failsworth*, and *Oldham*, in the County Palatine of *Lancaster*, to *Austerlands* in the Parish of *Saddleworth*, in the County of *York*.
4. An Act to indemnify Persons who have omitted to make and subscribe the Declarations contained in the Act of Uniformity of the Thirteenth and Fourteenth Years of King *Charles* the Second within the Time limited by Law; and for allowing further Time for doing thereof.
5. An Act for enlarging the Term and Powers granted by an Act made in the Twelfth and Thirteenth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for repairing and amending the Highways between the Town or Village of* Tittenfor, *and the most Northern Part of* Talk on the Hill, *in* Butt Lane *in the County of* Stafford.
6. An Act for the publick registring of all Deeds, Conveyances, Wills, and other Incumbrances, that shall be made of, or that may affect, any Honors, Manors, Lands, Tenements, or Hereditaments, within the *North Riding* of the County of *York*, after the Nine and twentieth Day of *September*, One thousand seven hundred and thirty six.
7. An Act for repairing and widening the Road from the Town of *Rochdale* in the County Palatine of *Lancaster*, leading over a certain Craggy Mountain called *Blackstone Edge*, in the same County, and from thence to the Towns of *Halifax* and *Ealand* in the County of *York*.
8. An Act for enlarging the Term and Powers granted by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the First, *for repairing the Road from Saint* Giles's *Pound to* Kilbourn Bridge *in the County of* Middlesex, *and for paving that Part of the Road called* Oxford Street.

9. An Act for continuing and making more effectual an Act paſſed in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Highways through the ſeveral Pariſhes of Saint* Michael, *Saint* Alban, *Saint* Peter, Shenley Ridge, *and* South Mims, *in the Counties of Hertford and* Middleſex; and for continuing the Commiſſioners authorized to put the ſaid Act in Execution.
10. An Act for lengthening the Weſt Pier of the Harbour of *Whitby*, in the County of *York*, and for improving the ſaid Harbour.
11. An Act for enabling His Majeſty to apply the Sum of One Million out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and thirty five.
12. An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years; and for giving further Time for the Payment of Duties omitted to be paid, for the Indentures and Contracts of Clerks and Apprentices.
13. An Act for the Encouragement of the Arts of Deſigning, Engraving, and Etching hiſtorical and other Prints, by veſting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned.
14. An Act for prolonging the Time for claiming the fortunate Tickets in the *Charitable Corporation* Lottery, and for making Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed.
15. An Act for the better regulating the Nightly Watch and Bedels, within the Two Pariſhes of Saint *James* and Saint *George Hanover Square*, within the Liberties of the City of *Weſtminſter*.
16. An Act for the Amendment of the Law relating to Actions on the Statute of *Hue* and *Cry*.
17. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpoſe.
18. An Act to continue ſome Laws therein mentioned, relating to the Encouragement of the making of Sail Cloth in *Great Britain*, and for Encouragement of the Silk Manufactures of this Kingdom.
19. An Act to continue an Act paſſed in the Third Year of His preſent Majeſty's Reign, intituled, *An Act for granting Liberty to carry Rice from His Majeſty's Province of* Carolina *in* America, *directly to any part of* Europe, *Southward of* Cape Finiſterre, *in Ships built in, and belonging to* Great Britain, *and navigated according to Law*; and to extend that Liberty to His Majeſty's Province of *Georgia* in *America*.
20. An Act for rendering the Laws more effectual for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways, or Locks, or other Works erected by Act of Parliament for making Rivers navigable, and for other Purpoſes therein mentioned.
21. An Act to continue ſeveral Laws therein mentioned, for the better Regulation and Government of Seamen in the Merchants Service; for the regulating of Pilots of *Dover*, *Deal*, and the Iſle of *Thanet*; for preventing Frauds in the Cuſtoms, and to prevent the Clandeſtine Running of Goods; and for making Copper Ore of the *Britiſh* Plantations an enumerated Commodity.
22. An Act to enable *William Mackenzie* late Earl of *Seafort* to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him by reaſon of his ſaid Attainder, to take or inherit any real or perſonal Eſtate that may or ſhall hereafter deſcend or come to him.
23. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty five.
24. An Act to explain and amend an Act paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons.*
25. An Act to indemnify Proteſtant Purchaſers of Eſtates of Papiſts, againſt the Penalties or Forfeitures Papiſts are liable to for not having inrolled their Eſtates, in purſuance of an Act of the Third Year of King *George* the Firſt, for that purpoſe.
26. An Act to enable the preſent and future Proprietors and Inhabitants of the Houſes in *Lincoln's Inn Fields* in the County of *Middleſex*, to make a Rate on themſelves, for raiſing Money ſufficient to incloſe, clean, and adorn the ſaid Fields.
27. An Act for rebuilding the Pariſh Church of Saint *Leonard Shoreditch* in the County of *Middleſex*.
28. An Act to explain and make more effectual the ſeveral Acts made and paſſed for repairing the Highways leading to *Highgate Gatehouſe*, and *Hampſtead* in the County of *Middleſex*, ſo far as the ſame relate to the Statute Work to be done upon the ſaid Highways, or Compoſitions to be made in lieu of the ſame.
29. An Act for the Application of the Rents and Profits of the Eſtates forfeited by the Attainders of *James* late Earl of *Derwentwater* and *Charles Radcliffe*.
30. An Act for regulating the Quartering of Soldiers during the Time of the Elections of Members to ſerve in Parliament.

Private Acts.

Anno 8 *Geo.* II.

1. AN Act for naturalizing *Samuel Engel*, *John Peter Blaquiere*, and others.
2. An Act for enabling the two younger Sons of *John* Duke of *Rutland*, by *Bridget* late Dutcheſs of *Rutland*, and their reſpective Children, Progeny, and Iſſue, to take and uſe the Surname of *Sutton*, purſuant to the Will of *Robert* Lord *Lexington* deceaſed, and in ſuch Manner as is therein mentioned,
3. An Act to enable *John Childe* Eſquire, commonly called Lord *Caſtlemain*, and the Heirs of his Body

Body, and ſuch other Perſons, who by virtue of a Settlement made by *Frederick Tylney* Eſquire, deceaſed, ſhall be in Poſſeſſion of the Eſtates therein limited, to take and uſe the Surname of *Tylney*.

4. An Act for exchanging Lands between the Earl of *Peterborough*, and the Provoſt and Scholars of *Queen's College* in *Oxford*.
5. An Act for Sale of the Eſtate of *Henry* late Lord *Carleton* in the County of *Oxon*, and for laying out the Money ariſing by ſuch Sale in the Purchaſe of another Eſtate in or near the County of *Wilts*, to be ſettled to the like Uſes.
6. An Act to enable *Hugh Hume Campbell*, commonly called Lord *Polwarth*, to ſell Lands in *Eſſex*, ſettled by his Marriage Articles, and with the Money ariſing thereby to purchaſe other Lands of like Value, to be ſettled to the ſame Uſes.
7. An Act to enable Sir *Charles Gilmour* Baronet, to ſell part of the Lands and Baronies of *Craigmillar* and *Nether Libberton* for Payment of Debts, with which the ſaid Eſtate ſtands charged and incumbered.
8. An Act for veſting an undivided Moiety of divers Lands and Hereditaments in the Counties of *Oxon* and *Kent*, the Eſtate of *Elizabeth Dyke* an Infant, in *Edward Dyke* Eſquire, and his Heirs, in Exchange for his undivided Moiety of divers Lands and Hereditaments in the Counties of *Somerſet* and *Devon*.
9. An Act for confirming and eſtabliſhing a Partition of the Eſtate of *Henry Appleton*, Eſquire, deceaſed, made purſuant to a Decree of the Court of Chancery.
10. An Act for the better Execution of the laſt Will and Teſtament of *Richard Cantillon* Eſquire, deceaſed, and for other Purpoſes therein mentioned.
11. An Act for veſting the Eſtate of *William Foreſter* Eſquire, and *Brook Foreſter* his Son and Heir apparent, in the County of *Salop*, in Truſtees, to ſettle the ſame, purſuant to an Agreement previous to the Marriage of the ſaid *Brook Foreſter* with *Elizabeth* his Wife, notwithſtanding the Minority of the ſaid *Brook Foreſter*.
12. An Act for diſcharging Part of the Eſtate of *Robert Edger* Eſquire, in the County of *Cambridge*, from the Uſes of His Marriage Settlement, he having ſettled an Eſtate in the County of *Suffolk*, of greater Value to the ſame Uſes.
13. An Act for veſting part of the Real Eſtate late of *James Tregeare* Eſquire, deceaſed, in *Margery* his Widow and Relict, in part of her Dower, and for Sale of the reſt of the ſaid Eſtate, for Payment of the Debts of the ſaid *James Tregeare*, and for laying out the Surplus Money ariſing by ſuch Sale in the Purchaſe of other Lands, to the Uſe of *Honour* his Daughter and her Heirs.
14. An Act for incloſing the Common Fields, Common Meadows, and other Commonable Lands in the Pariſh of *Hunningham*, alias *Honingham*, in the County of *Warwick*
15. An Act for appointing Commiſſioners to make a Diviſion of certain Commons and Waſte Lands lying within the Manor and Pariſh of *Chedleton* in the County of *Stafford*, among the Proprietors, in order to incloſe the ſame.
16. An Act to enable *William Toller*, now called *William Toller Treffry* Gentleman, and his Iſſue Male, to take and uſe the Surname of *Treffry* only, purſuant to the Deed of Settle- of *John Treffry* Eſquire, deceaſed.
17. An Act to explain and amend an Act made in the Firſt Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for the Relief of* Hannah Mac Donnell, *with relation to the forfeited Eſtates in* Ireland ; *and for enabling* Randal Mac Donnell *Eſquire, to ſell or incumber the Eſtate therein mentioned.*
18. An Act for naturalizing *Anna Elizabeth Broughton, Joſias Cottin, John Chevalier*, and *John Treber*.
19. An Act to naturalize *Stephen Matthew, Arnold Roſenhagen*, and *Jane Elizabeth du Bouchet*.

Publick Acts.

Anno 9 *Geor.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty ſix.
2. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
3. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty ſix.
4. An Act to amend an Act paſſed in the Seventh Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act to preſerve and encourage the Woollen and Silk Manufactures of this Kingdom, and for more effectual employing the Poor, by prohibiting the Uſe and Wear of all printed, painted, ſtained, or died Callicoes, in Apparel, Houſhold Stuff, Furniture, or otherwiſe, after the Twenty fifth Day of* December, *One thouſand ſeven hundred and twenty two (except as is therein excepted)* ſo far as relates to Goods made of Linen Yarn, and Cotton Wooll manufactured in *Great Britain*.
5. An Act to repeal the Statute made in the Firſt Year of the Reign of King *James* the Firſt, intituled, *An Act againſt Conjuration, Witchcraft, and dealing with evil and wicked Spirits*, except ſo much thereof as repeals an Act of the Fifth Year of the Reign of Queen *Elizabeth*, *Againſt Conjurations, Inchantments, and Witchcrafts*, and to repeal an Act paſſed in the Parliament of *Scotland* in the Ninth Parliament of Queen *Mary*, intituled, *Anentis Witchcrafts*, and for puniſhing ſuch Perſons as pretend to exerciſe or uſe any Kind of Witch-

Witchcraft, Sorcery, Inchantment, or Conjuration.

6. An Act to indemnify Perſons who have omitted to read the Prayers, and make and ſubſcribe the Declarations directed to be read, made, and ſubſcribed by the Act of Uniformity of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, within the Time limited by Law, and for allowing further Time for doing thereof.

7. An Act to explain and amend an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and enlarging the Road leading from the Houſe called* The Sign of the Bells, *in the Pariſh of St.* Margaret *in* Rocheſter, *to* Maidſtone, *and other Roads therein mentioned in the County of* Kent.

8. An Act for the better regulating the Nightly Watch and Bedels within the Pariſh of Saint *Martin in the Fields*, within the Liberties of the City of *Weſtminſter*.

9. An Act for enlarging the Term and Powers granted by an Act paſſed in the Eleventh Year of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing and amending the Road from* Biggleſwade *in the County of* Bedford, to Bugden, *and through* Alconberry *to the Top of* Alconberry Hill *or Croſs Poſt leading into* Sautery Lane, *on the* York *and* Edinburgh *Road, and from the ſaid Town of* Bugden *to the Town of* Huntingdon, *and from* Croſs Hall *in* Eaton Soken *in the ſaid County of* Bedford, *to* Great Stoughton Common *in the ſaid County of* Huntingdon.

10. An Act for repairing and widening the Road leading from Saint *Dunſtan's Croſs* near the City of *Canterbury*, to the Water-ſide at *Whitſtable* in the County of *Kent*.

11. An Act for enlarging the Term and Powers granted by an Act paſſed in the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Road from* Beconsfield *in the County of* Bucks, *to* Stoken Church *in the County of* Oxon.

12. An Act to enable the Juſtices of the Peace, acting for the Weſtern Diviſion of the County of *Kent*, to purchaſe a convenient Piece of Ground for building a Gaol for the ſaid County, and for impowering the ſaid Juſtices to apply part of the County Stock of the ſaid Diviſion towards the ſame.

13. An Act for the better regulating the Nightly Watch and Bedels within the Pariſh of Saint *Paul, Covent Garden*, within the Liberties of the City of *Weſtminſter*.

14 An Act for repairing the Roads leading from *Henley Bridge* in the County of *Oxford* to *Dorcheſter Bridge*, and from thence to *Culham Bridge*, and to a Place called *Mile Stone* in the Road leading to *Magdalene Bridge* in the ſaid County.

15. An Act for enabling the Mayor, Bailiffs, and Burgeſſes of the Borough of *New Windſor* in the County of *Berks*, to repair and maintain their great Bridge over the River of *Thames*, and the Way thereon, leading from the ſaid Borough of *New Windſor* to *Eton* in the County of *Bucks*.

16. An Act for continuing the Term and Powers granted by an Act paſſed in the Fourth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Highways from* Crown Corner *in the Town of* Reading (*leading by and through the ſeveral Pariſhes of* Shinfield *and* Heckfield, *in the ſeveral Counties of* Berks, Wilts, *and* Southampton) *to* Baſingſtoke *in the ſaid County of* Southampton.

17. An Act for the better regulating the Nightly Watch and Bedels within the Pariſhes of Saint *Margaret* and Saint *John the Evangeliſt*, within the City and Liberty of *Weſtminſter*.

18. An Act for reviving and continuing the Acts therein mentioned, and for explaining and amending a Clauſe in an Act made in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for making the Laws for repairing the Highways more effectual*, relating to the appointing Scavengers in Cities and Market Towns, and the ordering the Aſſeſſments for the repairing and cleanſing the Streets therein.

19. An Act for the better regulating the Nightly Watch and Bedels within the Pariſh of Saint *Anne*, within the Liberties of the City of *Weſtminſter*.

20. An Act for the better enlightning of the Streets of the City of *London*.

21. An Act for repairing the Highways from *Sunning Lane End* next *Twyford*, to the *Old Bear Inn* in *Reading* in the County of *Berks*.

22. An Act for rebuilding the Pariſh Church of *Gainsburgh* in the County of *Lincoln*.

23. An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof.

24. An Act for exhibiting a Bill in this preſent Parliament for naturalizing her Royal Highneſs the Princeſs of *Wales*.

25. An Act for more equal paying and better collecting certain ſmall Sums for Relief of Shipwrecked Mariners, and diſtreſſed Perſons, His Majeſty's Subjects, in the Ports of *Cadiz*, and *Port Saint Mary*'s in the Kingdom of *Spain*, and for other Uſes, uſually contributed to by the Merchants trading to the ſaid Ports.

26. An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices within the Time limited by Law, and for allowing further Time for that Purpoſe; and for amending ſo much of an Act paſſed in the Second Year of the Reign of His preſent Majeſty, as requires Perſons to qualify themſelves for Offices before the End of the next Term or Quarter Seſſions; and alſo for enlarging the Time limited by Law for making and ſubſcribing the Declaration againſt Tranſubſtantiation; and for allowing further Time for Inrolment of Deeds and Wills made by Papiſts; and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees.

27. An Act for laying a Duty of Two Penies *Scots*, or One ſixth part of a Peny *Sterling*, upon every *Scots* Pint of Ale and Beer brewed, or brought into, and ſold within the Town of *Irvine*, and Liberties thereof: And for laying a Duty of One Peny *Sterling* upon every Ton, or

Ten

Ten Horſe Loads of Coals, carried to the Harbour of the ſaid Town, and ſhipped there for Tranſportation.

28. An Act for naturalizing her Royal Highneſs the Princeſs of *Wales*.

29. An Act for building a Bridge croſs the River *Thames*, from the *New Palace Yard* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*.

30. An Act to prevent the liſting His Majeſty's Subjects to ſerve as Soldiers without His Majeſty's Licence.

31. An Act for continuing the Duty of Two Penies *Scots*, or One ſixth of a Peny *Sterling*, on every Pint of Ale and Beer, that ſhall be vended or ſold within the City of *Glaſgow*, and for extending the ſame over the Villages of *Gorbells* and *Port Glaſgow*, and Privileges thereof, for the Benefit of the ſaid City and Villages.

32. An Act for continuing, for the Purpoſes therein mentioned, the additional Duties upon ſtamped Vellum, Parchment, and Paper, laid by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt.

33. An Act to render the Law more effectual for preventing the Importation of freſh Fiſh taken by Foreigners, and to explain ſo much of an Act made in the Thirteenth and Fourteenth Year of the Reign of King *Charles* the Second, as relates to Ships exporting Fiſh to the Ports of the *Mediterranean Sea*, and for the better Preſervation of the Fry of Lobſters on the Coaſts of *Scotland*.

. An Act for enabling His Majeſty to borrow any Sum or Sums of Money not exceeding Six hundred thouſand Pounds, to be charged upon the Surpluſſes, Exceſſes, or Overplus Monies, commonly called *The Sinking Fund*, redeemable by Parliament, and for the further Diſpoſition of the ſaid Fund, by paying off One Million of *South Sea* Annuities, and for appropriating the Supplies granted in this Seſſion of Parliament.

35. An Act for indemnifying Perſons who have been guilty of Offences againſt the Laws made for ſecuring the Revenues of Cuſtoms and Exciſe, and for enforcing thoſe Laws for the future

36. An Act to reſtrain the Diſpoſitions of Lands, whereby the ſame become unalienable.

37. An Act for further encouraging and regulating the Manufacture of *Britiſh* Sail Cloth, and for the more effectual ſecuring the Duties now payable on foreign Sail Cloth imported into this Kingdom.

38. An Act to explain and amend ſo much of an Act made in the Second Year of His preſent Majeſty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament*, as relates to the commencing and carrying on of Proſecutions grounded upon the ſaid Act.

39. An Act for making more effectual Two Acts of Parliament, One of the Tenth Year of the Reign of her late Majeſty Queen *Anne*, and the other of the Seventh Year of the Reign of his late Majeſty King *George* the Firſt, for repairing the Road from *Highgate Gatehouſe* in the County of *Middleſex*, to *Barnet Block-houſe* in the County of *Hertford*; and the Road from the *Bear Inn* in *Hadley*, to the *Angel* in *Enfield Chace*; and for amending *Cane-wood Lane*, leading from *Highgate to Hampſtead* in the ſaid County of *Middleſex*.

Private Acts.

Anno 9 *Geor.* II.

1. AN Act to enable *John Harriſon* an Infant, now called *John Newport*, and the Heirs of his Body, to take and uſe the Surname of *Newport*, purſuant to the Direction of *Henry* late Earl of *Bradford* deceaſed.

2. An Act for naturalizing *Peter Callifies*, *Zachary Cabuac*, and others.

3. An Act to enable *Bartholomew Richard Barneby* Eſquire, otherwiſe *Lutley*, and the Iſſue of his Body, to take upon him and them the Surname of *Barneby*, purſuant to the Will of *John Barneby* Eſquire, deceaſed.

4. An Act for naturalizing *Henry Lys* and *Frederick Ludovick Metzner*.

5. An Act for ſettling the Eſtate of *William* late Earl *Cowper* deceaſed to the Uſes and for the Purpoſes mentioned in certain Articles of Agreement, made between *William* now Earl *Cowper*, and his Brother, and the Iſſue of *Spencer Cowper* Eſquire, deceaſed.

6. An Act to enable *Harry* Earl of *Stamford*, and *Harry Gray* Eſquire, commonly called Lord *Gray*, Son and Heir apparent of the ſaid Earl, to make a Settlement upon the Marriage of the ſaid Lord *Gray*, notwithſtanding his Infancy.

7. An Act for impowering the Truſtees named in the Will of *Thomas* late Earl of *Pembroke* and *Montgomery*, to lay out the Reſidue of his perſonal Eſtate in the Purchaſe of ſuch Lands and Hereditaments, as in this Act are mentioned.

8. An Act for diſcharging the Eſtate purchaſed by the Truſtees of *Charles Cavendiſh* Eſquire, commonly called Lord *Charles Cavendiſh*, from the Truſts of his Settlement, and for enabling the ſaid Truſtees to ſell and diſpoſe of the ſame, for the Purpoſes therein mentioned.

9. An Act for exchanging of Lands between Sir *John Aſtley* Baronet, and the Preſident and Fellows of *Queen's College* in *Cambridge*.

10. An Act to enable the Dean and Chapter of St. *Peter's Weſtminſter*, to convey a Piece of Ground with Three Houſes thereon, at *Knightsbridge*, to a Truſtee for the Contributors to St. *George's* Hoſpital, and their Succeſſors.

11. An Act for making effectual Articles of Agreement, touching the Eſtates late of *Roger Nowell* the elder, of *Read* in the County of *Lancaſter*, Eſquire, and *Roger Nowell* his Son, lying in the ſame County and in the County of *York*, and veſting the ſaid Eſtates in Truſtees, to be ſold for the Payment of Debts, and other Purpoſes therein mentioned.

12. An Act for Sale of an undivided fourth Part

of the Manor of *Plumpton*, and certain Lands and Hereditaments in the County of *Suſſex*, the Eſtate of *Elizabeth Shore* and her Daughters, and for veſting the Money ariſing thereby in Truſtees for the ſame Uſes, to which the ſaid Eſtate now ſtands ſettled.

13. An Act for vacating the Grants and Settlements of certain Manors, Lands, and Tenements, made by *George Parker* Eſquire, upon the Marriage of *Francis* his Son with *Jaquete* his now Wife, and for ſettling other Lands inſtead thereof.

14. An Act for veſting the Equity of Redemption of all the Lands of Inheritance and Leaſehold Eſtates, late of *Charles Bentley* Eſquire, deceaſed, lying in the County of *Worceſter*, in Truſtees, to be ſold for Payment of his Debts, and making ſome Proviſion for *Penelope* his Widow, and *Charles* and *Penelope* Infants, his Son and Daughter.

15. An Act for veſting the Eſtate of *William Gee* Eſquire, in Truſtees, to ſettle the ſame, purſuant to an Agreement made previous to His Marriage with *Elizabeth* his Wife, Daughter of *Roger Talbot* Eſquire.

16. An Act for explaining the Will of *Joſeph Banks* Eſquire, deceaſed, and for impowering ſeveral Perſons, claiming under the ſaid Will, to make Jointures and Leaſes, in ſuch Manner, as is therein mentioned.

17. An Act for incloſing and dividing the Common Field called *Alderminſter* Common Field, Common Paſtures, and other Common Grounds, in the Pariſh of *Alderminſter* in the County of *Worceſter*.

18. An Act for dividing and incloſing the Common Field and Plots of Commonable Lands, and for ſtinting the Common or Heath in the Manor of *Ixworth* within the Pariſh of *Ixworth* in the County of *Suffolk*.

19. An Act for dividing and incloſing certain Commons and Waſte Grounds called *Stankham* and *Soldridge* Commons in the Pariſh of *Old Alresford* in the County of *Southampton*.

20. An Act to enable *Charles Herbert* Eſquire, now called *Charles Sheffield*, and his Iſſue, to take and uſe the Surname of *Sheffield*, purſuant to the Will of *John* late Duke of *Buckinghamſhire* and *Normanby*, deceaſed.

21. An Act to enable *Reginald Lygon* Eſquire, otherwiſe *Pyndar*, and the Heirs Male of his Body, to take upon him and them the Surname and Arms of *Lygon*, purſuant to the Settlement of *William Lygon* Eſquire, deceaſed.

22. An Act to enable *William Berkeley* Eſquire, now called *William Portman*, and his Iſſue Male, to take and uſe the Surname of *Portman* only.

23. An Act to enable *Robert Kendall* Eſquire, now called *Robert Cater*, and his Iſſue, to take and uſe the Surname and Arms of *Cater*.

24. An Act to enable *John Shales*, commonly called *John Barrington*, and the Heirs of his Body, to take and uſe the Surname of *Barrington*, purſuant to a Settlement made by Sir *Charles Barrington* Baronet, deceaſed.

25. An Act to enable *George Allgood* Eſquire, lately called *George Smith*, and the Heirs Male of his Body, to take and uſe the Surname of *Allgood* only, purſuant to the Will of *George Allgood* Gentleman, deceaſed.

26. An Act to enable *Robert Phillips* Eſquire, and his Iſſue Male, to take and uſe the Surname of *Lee*, purſuant to the Will of *Robert Lee* Eſquire, deceaſed.

27. An Act to enable *John Gilbert* Eſquire, and the Heirs Male of his Body, to take and uſe the Surname and Arms of *Cooper*, purſuant to the Will of *John Cooper* of *Thurgarton*, Eſquire, deceaſed.

28. An Act to enable *John Sinclair*, eldeſt Son of *Henry* late Lord *Sinclair* deceaſed, to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him, by reaſon of his ſaid Attainder, to take or inherit any real or perſonal Eſtate, that may or ſhall hereafter deſcend or come to him.

29. An Act to enable *William Murray* to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him, by reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may have deſcended or come to him ſince His late Majeſty's moſt gracious Pardon, dated the Twentieth of *July*, in the Seventh Year of His Reign, or that ſhall hereafter deſcend or come to him.

30. An Act for naturalizing *Friederich Felthuſen*.

31. An Act for making effectual what has been agreed between *Alan* Lord Viſcount *Midleton* in the Kingdom of *Ireland*, and his Four Nieces; and for the ſecuring the Payment of Ten thouſand Pounds agreed to be paid them; and to enable him to make good the Agreements in his Marriage Articles.

32. An Act to enable *John Freeman* Eſquire, heretofore called *John Cooke*, and his Heirs, to take and uſe the Surname of *Freeman*, purſuant to the Will of *William Freeman* Eſquire, deceaſed; and alſo to impower the ſaid *John Freeman*, and others, to make Leaſes of the Eſtates deviſed by the ſaid Will.

33. An Act to enable the Guardians and Truſtees of *Samuel Pitt* an Infant to compound with *Samuel Pitt* Merchant, for a Sum of Money decreed to the ſaid Infant by the Court of Chancery.

34. An Act for Sale of Part of the Eſtate late of *Thomas Vaux*, Eſquire, deceaſed, for diſcharging his Debts and Incumbrances.

35. An Act for incloſing and dividing the Common Fields and Common Grounds in the Pariſh of *Weſt Stafford cum Froom Bellett* in the County of *Dorſet*.

36. An Act for veſting in *John Saliom* Gentleman, and his Heirs, a Reverſion in Fee of Lands and Hereditaments therein mentioned, in the County of *Lancaſter*, forfeited by *Gabriel Hesketh*, attainted of High Treaſon.

37. An Act to enable the Commiſſioners of the Treaſury, or the Lord High Treaſurer for the time being, to compound with *Edward Randolph* late of *London* Merchant, and his Sureties, a Debt due to the Crown for Cuſtoms for Tobacco.

38. An

38. An Act for naturalizing *David Purry* and *John Anthony Merle*.
39. An Act for naturalizing *John Reeſſen*.

Publick Acts.

Anno 10 *Geo.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty ſeven.
2. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
3. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty ſeven.
4. An Act for continuing an Act paſſed in the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for laying a Duty of Two Penies* Scots, *or one ſixth Part of a Peny Sterling, upon every Pint of Ale or Beer that ſhall be vended or ſold within the Town of* Dunbar, *for improving and preſerving the Harbour, and repairing the Town Houſe, and building a School, and other publick Buildings there, and for ſupplying the ſaid Town with Freſh Water*.
5. An Act for enlarging the Term granted by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing ſeveral Roads therein mentioned, leading into the City of* Worceſter; and for repairing ſeveral other Roads lying contiguous to the ſame; and for reducing the Toll or Duties granted on Sheep and Lambs by the ſaid Act.
6. An Act for the better repairing and paving the Highways, Streets, and Water-courſes within the City of *New Sarum*, and for enlightning the Streets, Lanes, and Paſſages, and better regulating the Nightly Watch within the ſaid City.
7. An Act for continuing an Act paſſed in the Third Year of the Reign of His late Majeſty King *George* the Firſt, *For laying a Duty of Two Penies* Scots, *or one Sixth Part of a Peny Sterling, on every Pint of Ale or Beer that ſhall be vended or ſold within the Town of* Dumfreis, *and Privileges thereof, for paying the Debts of the ſaid Town, and for building a Church, and making a Harbour there*; and for laying a Duty on the Tonnage of Shipping, and a Duty on Goods imported and exported into and out of the Port of the ſaid Town, for the better repairing of the ſaid Harbour.
8. An Act to make perpetual an Act made in the Seventh Year of the Reign of His preſent Majeſty, intituled, *An Act to prevent the infamous Practice of Stock-jobbing*.
9. An Act for making navigable the River or Brook, called *Worſley Brook*, from *Worſley* Mill, in the Townſhip of *Worſley*, in the County Palatine of *Lancaſter*, to the River *Irwell* in the ſaid County.
10. An Act to impower the Juſtices of the Peace for the County of *Bucks*, to raiſe Money to diſcharge the Debts incurred on account of building a Gaol and Court Rooms, and for finiſhing the ſame for the Uſe of the County.
11. An Act for making more effectual Two Acts of Parliament, one of the Sixth Year of the Reign of Her late Majeſty Queen *Anne*, and the other of the Eleventh Year of the Reign of his late Majeſty King *George*, *For repairing the Highways from* Old Stratford *in the County of* Northampton *to* Dunchurch *in the County of* Warwick.
12. An Act for repairing the Road from *Hertford Bridge* Hill, to the Town of *Baſingſtoke*, and alſo the Road from *Hertford Bridge* Hill aforeſaid, to the Town of *Odiham* in the County of *Southampton*.
13. An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices, or to take the Oaths required within the Time limited by Law, and for allowing further Time for thoſe Purpoſes.
14. An Act for collecting at the Port of *Leghorn* certain ſmall Sums of Money, to which the Merchants trading there have uſually contributed, for the Relief of ſhipwrecked Mariners, Captives, and other diſtreſſed Perſons, His Majeſty's Subjects, and for other charitable and publick Uſes.
15. An Act to enable the preſent and future Proprietors and Inhabitants of the Houſes in *Red-lion Square*, in the County of *Middleſex*, to make a Rate on themſelves, for raiſing Money ſufficient to incloſe, pave, watch, clean, and adorn the ſaid Square.
16. An Act for explaining and amending an Act paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for building a Bridge croſs the River* Thames, *from the* New-Palace-Yard *in the City of* Weſtminſter, *to the oppoſite Shore in the County of* Surrey.
17. An Act for repealing the preſent Duty on Sweets, and for granting a leſs Duty thereupon; and for explaining and enforcing the Execution of an Act paſſed in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof*; and for appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders, loſt, burnt, or otherwiſe deſtroyed.
18. An Act for rebuilding the Church of the Pariſh of Saint *Olave*, in the City of *London*, and in the Borough of *Southwark*, in the County of *Surrey*.
19. An Act for the more effectual preventing the unlawful playing of Interludes within the Precincts of the Two Univerſities, in that Part of *Great Britain* called *England*, and the Places adjacent, and for explaining and amending ſo much

much of an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof*, as may affect the Privilege of the ſaid Univerſities, with reſpect to licenſing Taverns, and all other Publick Houſes within the Precincts of the ſame.

20. An Act to enable the Magiſtrates and Town-Council of the Burgh of *Lanark*, to repair and maintain their Bridge over the River *Clyd* at *Clydſholm*, in the Shire of *Lanark*.

21. An Act for making the Chapel in the Hamlet of *Abthorpe* and *Foxcoate*, in the Pariſh of *Towceſter*, in the County of *Northampton*, a Pariſh Church, and for appointing a Diſtrict or Pariſh thereto, and for enabling the Maſter of the Free Grammar School within the ſaid Hamlet of *Abthorpe* and *Foxcoate* to be Vicar of the ſaid Pariſh Church.

22. An Act for the better regulating the Nightly Watch and Bedels within the City of *London*, and Liberties thereof; and for making more effectual the Laws now in being, for paving and cleanſing the Streets and Sewers in and about the ſaid City.

23. An Act for explaining, and amending, and making more effectual ſeveral Acts of Parliament made in the Fourth, Sixth, and Tenth Years of the Reign of his late Majeſty King *George* the Firſt, reſpectively, for repairing the ſeveral Roads therein mentioned in the Counties of *Surrey*, *Kent*, and *Suſſex*; and for enlarging the Terms and Powers by the ſaid Acts granted; and for repairing the Road lying between *Noneſuch* and *Worceſter* Parks, in the Pariſh of *Cuddington*, in the ſaid County of *Surrey*.

24. An Act for enlarging the Term and Powers granted by an Act paſſed in the Ninth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road leading from the* Black Bull Inn *in* Dunſtable *in the County of* Bedford, *to the Way turning out of the ſaid Road up to* Shafford Houſe *in the County of* Hertford; and for preventing the driving of Cattle through private Grounds and Paſſages, to avoid the Payment of the Toll charged upon Cattle by an Act of the Firſt Year of the Reign of his late Majeſty, and the Eighth Year of the Reign of His preſent Majeſty, *For repairing the Roads from* South Mims *to Saint* Albans, *in the ſaid County of* Hertford.

25. An Act for the better regulating the Nightly Watch and Bedels within the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the Pariſh of Saint *Andrew Holborn*, in the County of *Middleſex*.

26. An Act for Relief of inſolvent Debtors.

27. An Act for laying a Duty upon Apples imported from Foreign Parts; and for continuing an Act paſſed in the Fourth Year of the Reign of His preſent Majeſty, *For granting an Allowance upon the Exportation of* Britiſh *made Gunpowder*; and for taking off the Drawback upon Exportation of Foreign Paper; and for the better ſecuring the Payment of the Bounty on the Exportation of *Britiſh* made Sail-Cloth; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

28. An Act to explain and amend ſo much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, ſturdy Beggars, and Vagrants, into one Act of Parliament; and for the more effectual puniſhing ſuch Rogues, Vagabonds, ſturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent*, as relates to common Players of Interludes.

29. An Act for enabling His Majeſty to ſettle a Revenue for ſupporting the Dignity of her Royal Highneſs the Princeſs, in caſe ſhe ſhall ſurvive his Royal Highneſs the Prince of *Wales*, and for exempting ſuch yearly Sum or Sums of Money, as His Majeſty hath granted, or ſhall grant to his ſaid Royal Highneſs from the Payment of Fees, Taxes, and other Charges whatſoever, and for enabling his ſaid Royal Highneſs to make Leaſes of Lands, Parcel of the Dutchy of *Cornwall*, or annexed to the ſame.

30. An Act for repealing the Duties payable *ad Valorem* upon Foreign Oyſters imported into this Kingdom, and for laying another Duty thereon.

31. An Act for regulating the Company of Watermen, Wherrymen, and Lightermen rowing on the River *Thames*, between *Graveſend* in the County of *Kent*, and *Windſor* in the County of *Berks*.

32. An Act for continuing an Act for the more effectual puniſhing wicked and evil diſpoſed Perſons, going armed in Diſguiſe, and doing Injuries and Violences to the Perſons and Properties of His Majeſty's Subjects, and for the more ſpeedy bringing the Offenders to Juſtice; and for continuing Two Clauſes to prevent the cutting or breaking down the Bank of any River or Sea Bank, and to prevent the malicious cutting of Hop-binds, contained in an Act paſſed in the Sixth Year of His preſent Majeſty's Reign; and for the more effectual Puniſhment of Perſons removing any Materials uſed for ſecuring Marſh or Sea Walls, or Banks, and of Perſons maliciouſly ſetting on Fire any Mine, Pit, or Delph of Coal, or Cannel Coal, and of Perſons unlawfully hunting or taking any Red or Fallow Deer, in Foreſts or Chaſes, or beating or wounding Keepers, or other Officers, in Foreſts, Chaſes, or Parks; and for the more effectually ſecuring the Breed of Wild-fowl.

33. An Act for making navigable the River *Rodon*, from a little below a Mill called *Barking Mill* in the County of *Eſſex*, to *Illford Bridge* in the ſaid County.

34. An Act to diſable *Alexander Wilſon* Eſquire, from taking, holding, or enjoying any Office or Place of Magiſtracy in the City of *Edinburgh*, or elſewhere, in *Great Britain*; and for impoſing a Fine upon the Corporation of the ſaid City.

35. An Act for the more effectual bringing to Juſtice any Perſons concerned in the barbarous Murder of Captain *John Porteous*, and puniſhing ſuch

ſuch as ſhall knowingly conceal any of the ſaid Offenders.

36. An Act for enlarging the Term and Powers granted by an Act paſſed in the Eighth Year of the Reign of his late Majeſty King *George* the Firſt, *For repairing the Highways from the Stones End at* White Chapel Church, *in the County of* Middleſex, *to* Shenfield, *and to the furthermoſt Part of the Pariſh of* Woodford, *leading to the Town of* Epping, *in the County of* Eſſex; and for repairing the Road leading from the Cauſeway in the Pariſh of *Low Layton* (through *Wanſtead*) to the End of the Pariſh of *Woodford* next to the Pariſh of *Chigwell* in the ſaid County of *Eſſex*.

37. An Act to prevent the Act made in the Twenty firſt Year of the Reign King *James* the Firſt, intituled, *An Act for Limitation of Actions and for avoiding Suits in Law*, being pleaded, inſiſted on, or taken Advantage of, by any Perſons claiming under the Will of *Richard Norton* Eſquire, of *Southwick*, deceaſed, againſt any Claim, Title, or Demand, which *Thomas Norton* Eſquire hath to or upon the Manor of *Old Alresford*, and Lands in the County of *Southampton*, ſettled by Indenture of the Fifth of *March*, One thouſand ſix hundred and fifty ſeven, or the Rents and Profits thereof.

Private Acts.

Anno 10 *Geo.* II.

1. AN Act to enable *Anthony James* Eſquire, and his Heir Male, and other Perſons therein mentioned, to take and uſe the Surname of *Keck*, purſuant to the Will of *Anthony Keck* Gentleman, deceaſed.
2. An Act for naturalizing *Joſeph Pouchon*.
3. An Act for naturalizing *Nicholas Magens*, *John Timmerman*, *Theodore Davell*, and others.
4. An Act for Sale of the Capital Meſſuage of *Gunnersbury*, and other Lands and Hereditaments, late the Eſtate of Sir *John Maynard* Knight, Serjeant at Law, and for purchaſing another Eſtate to be ſettled to the Uſes of his Will.
5. An Act for Sale of a certain Leaſehold Eſtate of *Thomas Cook* Eſquire, in the County of *Glouceſter*, and for ſettling ſome Freehold and Copyhold Eſtates of Inheritance of greater Value to the ſame Uſes, in lieu thereof.
6. An Act to enable the Truſtees and Teſtamentary Guardians named in the Will of *Thomas Hesketh*, late of *Rufford* in the County of *Lancaſter*, Eſquire, deceaſed, to perform the ſame, and make Leaſes for Lives in his ſettled Eſtate, for paying his Debts during his Son's Minority, in Eaſe of an Eſtate deviſed by him to be ſold.
7. An Act for incloſing and dividing certain Common Paſture Grounds called *Purton Common* and *Purton Stoke Common*, within the Pariſh of *Purton*, otherwiſe *Puriton*, in the County of *Wilts*.
8. An Act for enabling Sir *Jacob Des Bouverie* Baronet, and *John Des Bouverie* Eſquire, and their reſpective Iſſue, and *Elizabeth Des Bouverie*, Siſter of the ſaid *John*, to take and uſe the Surname of *Bouverie*, purſuant to the Deſire of *Jacob Des Bouverie* Eſquire, and Sir *Chriſtopher Des Bouverie* deceaſed.
9. An Act to enable *John Harvey* Eſquire, now called *John Thursby*, to take and uſe the Surname and Arms of *Thursby*, in purſuance of the Will of *William Thursby* Eſquire, deceaſed.
10. An Act to enable the Truſtees in the laſt Will of *Thomas Kellow* Gentleman, deceaſed, to ſell the Rectory impropriate of *Berwick St. James* in the County of *Wilts*, for the Payment of his Debts.
11. An Act to enable Truſtees, during the reſpective Minorities of *George Talbot* Eſquire, and his younger Brothers, to grant Leaſes of the Eſtates of the ſaid Infants in the Counties of *Salop*, *Worceſter*, *Berks*, *Cheſter*, *Stafford*, *Oxford*, and *Wilts*.
12. An Act for Sale of the Manor and Capital Meſſuage of *Swallowfield*, late the Eſtate of *Thomas Pitt* Eſquire, deceaſed, and for purchaſing another Eſtate to be ſettled to the Uſes of his Will.
13. An Act for naturalizing *Godfrey Wichelhauſen*, *John Francis Noppe*, *John Stephen Maſſon*, *Thomas Barbaud*, and *John Dillman*.
14. An Act for Sale of Part of the Eſtate of *Daniel* late Earl of *Winchelſea* and *Nottingham*, deceaſed, for Payment of Debts and Incumbrances charged upon and affecting the ſame, and for other Purpoſes therein mentioned.
15. An Act for eſtabliſhing and confirming a Partition of the Eſtates of Sir *Robert Furneſe* Baronet, deceaſed, among his Three Daughters and Coheirs, and for ſettling their ſeveral ſpecifick Shares and Allotments to ſuch Uſes as their ſeveral undivided Third Parts thereof ſtood limited before ſuch Partition, and for other Purpoſes therein mentioned.
16. An Act for inrolling of certain Indentures of Leaſe and Releaſe, executed by Sir *William Dudley* and Dame *Elizabeth* his Wife, and for making the Exemplification and atteſted Copies of ſuch Indentures, and alſo of an Act of Parliament and certain Articles of Agreement therein referred to, Evidence in all Courts of Law and Equity in *Ireland*.
17. An Act for Sale of the Manor of *Kippax* in the County of *York*, Part of the ſettled Eſtate of Sir *Reginald Graham* Baronet, and for ſettling his Eſtates at *Norton* and *Nunwick* in the ſame County, being of greater Value, to the ſame Uſes, and for making a Partition of the Manor of *Whitwell* between him and his Brother *Richard Graham* Eſquire.
18. An Act to eſtabliſh an Agreement made by the Deviſees of Sir *Samuel Ongley* Knight, deceaſed, with Sir *Roger Hudſon* Knight, for the Sale of Two Meſſuages on the Eaſt Side of *Biſhopſgate Street* in the City of *London*, and for the Purchaſe of Two Meſſuages on the North Side of *Threadneedle Street* in the ſaid City, with Part of the Money ariſing from the ſaid Sale, and for other Purpoſes therein mentioned.
19. An Act for confirming an Agreement between the Rector of the Pariſh Church of

Saint *Mary Woolnoth*, and of the United Pariſhes of Saint *Mary Woolnoth* and Saint *Mary Woolchurch* in the City of *London*, and the Mayor, Commonalty, and Citizens of the ſaid City, with the Conſent of the Patron and Ordinary, for the Grant of a Parcel of Ground therein mentioned lying in *Stocks Market*, to the ſaid Mayor, Commonalty, and Citizens, in Conſideration of a Rent of Ten Pounds a Year, payable to the ſaid Rector and his Succeſſors for ever.

20. An Act to enable *Peter Legh* of *Lyme*, Eſquire, to revoke or alter ſome of the Uſes and Eſtates limited in a Settlement formerly made by him, and to impower certain Tenants for Life therein, to make Jointures and Proviſion for Daughters and younger Sons in the Life Time of the ſaid *Peter Legh* the Elder, and with his Conſent.

21. An Act to enable *Peter Shakerley*, and *George Shakerley*, Sons of *George Shakerley*, to make ſuitable Jointures for their Wives and Proviſion for their Daughters and younger Sons out of the Eſtates of the ſaid *George Shakerley* the Father, lying in the Counties of *Cheſter* and *Lancaſter*.

22. An Act to enable the Guardians of *Anthony Langley Swymmer* an Infant, to join in making Leaſes of certain Mines in the County of *Flint*, with the other Owners thereof, during the Minority of the ſaid Infant.

23. An Act to veſt the Eſtates of *Frederick Trench* Eſquire, in the Counties of *Weſt Meath* and *Meath* in the Kingdom of *Ireland*, in Truſtees, to raiſe Money for the Payment of Debts, and after diſcharging the ſaid Debts, to the Uſe of the ſaid *Frederick Trench*, and his Heirs, and for reſettling other Lands therein mentioned to the Uſes of his Marriage Settlement.

24. An Act for Sale of Part of the ſettled Eſtate of *George Cary* Eſquire, lying in the County of *Devon*, for diſcharging ſeveral Debts and Incumbrances of his late Father and Grandfather, and for ſettling an Eſtate in the County of *Middleſex* to the Uſes of his Marriage Settlement.

25. An Act to enable *George Seton* of *Barnes*, to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him, by reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may or ſhall hereafter deſcend or come to him.

26. An Act to enable *James Rollo*, only Son of *Robert Rollo* late of *Powhouſe*, deceaſed, to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him, by reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may or ſhall hereafter deſcend or come to him.

27. An Act to enable *Jordan Langdale* of *Cliff* in the County of *York*, to ſue or maintain any Action or Suit, notwithſtanding his Outlawry, and to remove any Diſability in him, by reaſon of his ſaid Outlawry, to take or inherit any Real or Perſonal Eſtate, that may or ſhall hereafter deſcend or come to him, and alſo ſuch real Eſtate as he was intitled unto in Reverſion or Remainder before his ſaid Outlawry.

28. An Act for dividing and incloſing certain open and common Fields within the Lordſhip and Pariſh of *Stallingborough* in the County of *Lincoln*.

29. An Act to enable *Edward Mountfort*, and his Iſſue Male by *Mary* his now Wife, to take and uſe the Surname of *Groſvenor*.

30. An Act for naturalizing *Bartholomew Barratty*, *Bartholomew Gallatin*, *Francis Perrier*, and *James Solier*.

Publick Acts.

Anno 11 *Geo.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty eight.

2. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

3. An Act for repairing the Road leading from the *Trent Bridge* in the County of the Town of *Nottingham*, through *Coſtock*, otherwiſe *Cortlingſtock Lane*, to the Bridges, commonly known by the Name of *Cotes Bridges*, in the County of *Leiceſter*.

4. An Act for laying a Duty of Two Penies *Scots*, or One ſixth Part of a Peny Sterling, upon every *Scots* Pint of Ale and Beer which ſhall be brewed for Sale, brought into, vended, tapped, or ſold within the Town of *Aberbrothock*, and Liberties thereof.

5. An Act for taking down and rebuilding the Church of the Pariſh of *All Saints* in the City of *Worceſter*.

6. An Act for enlarging the Term and Powers granted by Two Acts of Parliament, one of the Third and the other of the Tenth Year of the Reign of His late Majeſty King *George* the Firſt, *For repairing the Highways from that Part of* Counters Bridge *which lies in the Pariſh of* Kenſington *in the County of* Middleſex, *leading through the Towns of* Brentford *and* Hounſlow, *to the* Powder Mills *in the Road to* Staines, *and to* Cranford Bridge *in the ſaid County, in the Road to* Colnbrooke.

7. An Act for continuing the Term and Powers granted and given by the Acts paſſed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, and in the Ninth and Tenth Years of the Reign of his late Majeſty King *George*, for repairing the Harbour of *Dover* in the County of *Kent*; and for reſtoring the Harbour of *Rye* in the County of *Suſſex*, to its ancient Goodneſs.

8. An Act for continuing the Terms and Powers granted and given by the Acts paſſed in the Twelfth and Thirteenth Year of the Reign of his late Majeſty King *William*, and the

the Tenth Year of her late Majeſty Queen *Anne*, *For recovering, ſecuring, and keeping in Repair the Harbour of* Minehead *in the County of* Somerſet.

9. An Act for the Relief of ſuch Priſoners for Debt as have by unavoidable Accidents loſt the Benefit of an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for Relief of Inſolvent Debtors*; and for the Indemnity of ſuch Sheriffs and Gaolers as have incurred any Penalties on Account of ſuch Priſoners not being diſcharged; and for extending the Benefit of the ſaid Act to Creditors, whoſe Debtors were committed to Priſon ſince the Firſt Day of *January*, One thouſand ſeven hundred and thirty, and were detained there upon the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, and have choſe to continue there.

10. An Act for inlarging the Term and Powers granted and given by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George*, *For repairing the Roads from* Lemsford Mill *in the County of* Hertford, *to* Welwyn, *and from thence to* Cory's Mill, *and from* Welwyn, *through* Codicot, *to* Hitchen *in the ſaid County*; *and alſo for repairing the Roads from* Cory's Mill *to* Hitchen *aforeſaid*.

11. An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees.

12. An Act for continuing of an Act made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Laſtage and Ballaſtage in the River* Thames.

13. An Act to enlarge the Term and Powers granted by an Act of Parliament made and paſſed in the Third Year of the Reign of His late Majeſty King *George*, intituled, *An Act to enable the Pariſhioners of the Pariſh of Saint* Mary Rotherhith *in the County of* Surrey, *by certain Funeral Rates therein mentioned, to finiſh the ſaid Pariſh Church*; and to enable the ſaid Pariſhioners to raiſe ſuch further Sums of Money as ſhall be neceſſary for purchaſing a convenient Piece of Ground for an additional Burial Ground, and for other the Purpoſes therein mentioned.

14. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty eight.

15. An Act to empower the Court of Lord Mayor and Aldermen of the City of *London* to ſet the Price upon all Coals, commonly called *Sea Coals*, imported into the Port of *London* from *Newcaſtle* and the Ports adjacent thereunto, for the Space of One Year; and to oblige, for the Term therein mentioned, Fitters and others vending and loading Ships with Sea Coals at *Newcaſtle* and the Ports adjacent thereunto, to deliver ſuch Coals to any Maſters of Ships applying for the ſame; and for further obliging Buyers and Sellers of Sea Coals at *Billingſgate* or other Place of Sale within the Bills of Mortality, to ſign their Contracts for Coals; and for the Admeaſurement of all Carriages whatſoever uſed in loading Ships with Coals in the Port of *Newcaſtle*, and Members thereunto belonging.

16. An Act for continuing the Duty of Two Penies *Scots*, or One Sixth Part of a Peny Sterling, on each Pint of Ale and Beer that ſhall be vended or ſold within the Town of *Invernes*, and Privileges thereof, for paying the Debts of the ſaid Town, and other Purpoſes therein mentioned.

17. An Act for ſecuring the Eſtates of Papiſts conforming to the Proteſtant Religion, againſt the Diſabilities created by ſeveral Acts of Parliament relating to Papiſts; and for rendering more effectual the ſeveral Acts of Parliament made for veſting in the Two Univerſities in that Part of *Great Britain* called *England*, the Preſentations of Benefices belonging to Papiſts.

18. An Act to continue Two ſeveral Acts therein mentioned; one for encouraging the Growth of Coffee in His Majeſty's Plantations in *America*, and the other for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in *America*.

19. An Act for the more effectual ſecuring the Payment of Rents, and preventing Frauds by Tenants.

20. An Act for the more effectual ſecuring the Payments of certain Sums of Money directed by an Act made in the Forty third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Relief of the Poor*, to be paid by the reſpective Treaſurers of every County in *England* and *Wales*, for the Relief of the poor Priſoners in the *King's Bench* and *Marſhalſea* Priſons.

21. An Act to impower the preſent Truſtees under the laſt Will and Teſtament of *John Marſhall* Gentleman, deceaſed, to lay out a certain Sum of Money, now in their Hands, for pulling down and rebuilding the Pariſh Church of *Chriſt Church* in the County of *Surrey*; and for encloſing a Piece of Ground lately purchaſed, for an additional Church Yard to the ſaid Church.

22. An Act for puniſhing ſuch Perſons as ſhall do Injuries and Violences to the Perſons or Properties of His Majeſty's Subjects, with Intent to hinder the Exportation of Corn.

23. An Act to explain and amend an Act paſſed in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for rebuilding the Pariſh Church of Saint* Leonard Shoreditch *in the County of* Middleſex.

24. An Act to amend an Act paſſed in the Twelfth and Thirteenth Year of the Reign of King *William* the Third, intituled, *An Act for preventing any Inconveniencies that may happen by Privilege of Parliament*.

25. An Act for building a Bridge croſs the River *Thames* from the *Woolſtaple*, or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shoar in the County of *Surrey*.

26. An Act for enforcing the Execution of an Act made in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof*.

27. An Act for granting to His Majeſty the Sum of Two Millions for the Service of the Year

Year One thouſand ſeven hundred and thirty eight; and for paying to the Governor and Company of the Bank of *England* One Million, for redeeming an Annuity of Forty thouſand Pounds payable to them; and for the further appropriating the Supplies granted in this Seſſion of Parliament.

28. An Act for the better regulating the Manufacture of Narrow Woollen Cloths in the *Weſt Riding* of the County of *York*.

29. An Act for repairing the Road from *Shoreditch Church* through *Hackney*, to *Stanford Hill*, and croſs *Cambridge Heath*, over *Bethnal-green*, to the Turnpike at *Mile End* in the County of *Middleſex*.

30. An Act for explaining and amending an Act of the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for the Application of the Rents and Profits of the Eſtates forfeited by the Attainders of* James *late Earl of* Derwentwater, *and* Charles Radcliffe.

31. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices, or to read the Prayers and make the Declarations and Subſcriptions required within the reſpective Times limited by Law; and for allowing further Time for thoſe Purpoſes.

32. An Act for enlarging the Time granted by an Act paſſed in the Third Year of the Reign of His late Majeſty King *George*, intituled, *An Act for enlarging the Time granted by an Act paſſed in the Eighth Year of the Reign of her late Majeſty Queen* Anne, intituled, *An Act for making a convenient Dock or Baſon at* Liverpool, *for the Security of all Ships trading to and from the ſaid Port of* Liverpool; and for enlarging the ſame, by making an additional Dock, and building a Pier in the open Harbour there; and for enlightening the ſaid Dock.

33. An Act for repairing the Roads from the Town of *Loughborough* in the County of *Leiceſter* to the Town of *Derby* in the County of *Derby*, and from the ſaid Town of *Derby*, to the Town of *Braſſington* in the ſaid County of *Derby*, and from the ſaid Town of *Derby*, through the Town of *Aſhborne* in the ſaid County of *Derby*, to *Hurdloe Houſe* in the Pariſh of *Hartington* in the ſaid County.

34. An Act for the effectual Draining and Preſervation of certain Fens called *Cawdle Fen*, *Waterden*, and *Redmoor*, and one Piece of Fen Ground called *The Holts* in the Iſle of *Ely* in the County of *Cambridge*.

35. An Act for the better enlightening the open Places, Streets, Lanes, Paſſages, and Courts, and for the better regulating the Nightly Watch and Bedels within the Pariſh of *Chriſt Church* in the County of *Middleſex*.

36. An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, one of the Fourth, and the other of the Sixth Year of the Reign of His late Majeſty King *George* the Firſt, for the repairing the Roads from the *Stones End* in *Kent Street*, in the Pariſh of *Saint George* in *Southwark* in the County of *Surrey* (leading to the *Lime Kilns* in *Eaſt Greenwich*) to the firſt *Mill Pond* at *South End*, in the Pariſh of *Lewiſham* in the County of *Kent*; and for amending the Road from *Weſtminſter Ferry* at *Lambeth* in the ſaid County of *Surrey*, to *New Croſs* in *Deptford* in the ſaid County of *Kent*; and for amending and making the ſaid Acts more effectual; and for amending the Roads from the *Lime Kilns* aforeſaid to the Town of *Dartford* in the ſaid County; and from a Place called *Saint Thomas a Waterings*, in the ſaid Pariſh of *Saint George*, to the *Stones End* in *Bermondſey Street* in the ſaid County of *Surrey*.

37. An Act for enlarging the Term and Powers granted in and by an Act made in the Tenth Year of her late Majeſty Queen *Anne*, *For enlarging, amending, and maintaining the Road between* Northfleet, Graveſend, *and* Rocheſter, *in the County of* Kent; and alſo another Act made in the Eleventh Year of his late Majeſty King *George* the Firſt, *For enlarging the Term granted by the ſaid former Act, and for other Purpoſes therein mentioned*, and for explaining and amending the ſaid Acts; and alſo for repairing the Highway from *Northfleet* aforeſaid to *Dartford* in the ſaid County.

38. An Act for veſting the Real and Perſonal Eſtate of *Hugh Naiſh* Eſquire, who was late a Priſoner in His Majeſty's Priſon of the *Fleet*, and eſcaped out of the ſame, in Truſtees, for the Benefit of his Creditors.

39. An Act to enable the Adventurers, Owners, and Proprietors of the taxable Lands, and the Owners and Proprietors of the Free Lands in *Deeping Fens*, and other Fens in the County of *Lincoln* therein mentioned, to raiſe a competent Sum of Money for the effectual draining and future preſervation of all the ſaid Fens, according to their Agreement in that behalf, and to carry the ſaid Agreement into Execution, and for other the Purpoſes therein mentioned.

Private Acts.

Anno 11 *Geo.* II.

1. AN Act for naturalizing *Abraham Blydeſteyn*.

2. An Act for veſting the Manor of *Goldborn*, Part of the ſettled Eſtate of *William* Duke of *Devonſhire*, in the County of *Lancaſter*, in the ſaid Duke and his Heirs, and for ſettling the Manor of *Blackwall* in the County of *Derby* in lieu thereof, to the like Uſes.

3. An Act for veſting divers Lands and Hereditaments in the Counties of *Kent*, *Suſſex*, *Eſſex*, *Hereford*, and *Monmouth*, and the City of *London*, entailed by the Will of *Elizabeth* late Ducheſs of *Bedford*, in *John* Duke of *Bedford* in Fee Simple, and for ſettling other Eſtates in the Counties of *Bucks* and *Hertford* of greater Value to the like Uſes, in lieu thereof.

4. An Act for veſting certain Lands and Hereditaments in the Kingdom of *Ireland*, Part of the ſettled Eſtate of *Richard* Earl of *Burlington* and *Corke*, in Truſtees to be ſold for Payment of Debts, and for ſettling other Lands and Hereditaments of greater Value to the ſame Uſes.

5. An

5. An Act for explaining and amending a certain Truſt and Power, contained in the Settlement made on the Marriage of *Richard* Lord Viſcount *Molyneux* of the Kingdom of *Ireland*, with *Mary* Lady *Molyneux* his now Wife, for raiſing Portions for the Daughters of the ſaid Marriage, and for the better aſcertaining and more effectually ſecuring the ſaid Portions.
6. An Act to diſſolve the Marriage of Sir *William Morice* Baronet, with Lady *Lucy Wharton*, and to enable him to marry again, and for other Purpoſes therein mentioned.
7. An Act to enable Sir *Bryan Broughton* Baronet, an Infant, to enter into Marriage Articles, notwithſtanding his Infancy.
8. An Act for exchanging Part of the Glebe Lands and Hereditaments belonging to the Rector of *Stratford Toney* in the County of *Wilts*, for other Lands belonging to the Lord of the Manor.
9. An Act to enable Truſtees to grant building Leaſes of certain Meſſuages in the Pariſhes of *Saint Martin in the Fields* and *Saint Clement Danes* in the County of *Middleſex*, late the Eſtate of *Henry May* Eſquire, deceaſed.
10. An Act for confirming the Sale of the Leaſehold Eſtate late of *Barnaby Coles* Gentleman, deceaſed, and for veſting his Freehold Eſtates in Truſtees, to be ſold for Payment of his Debts.
11. An Act to enable the Guardian of *Amy Symes* and *Catharine Symes*, Infants, to join in making Leaſes of Lands in the Counties of *Somerſet* and *Devon* with the other Owners thereof, during the Minority of the ſaid Infants.
12. An Act for confirming and eſtabliſhing an Agreement between *William Studholm* Gentleman, and *Cuthbert Hodgſon* Gentleman, in relation to the Will and Eſtate of *Michael Studholm* Eſquire, deceaſed.
13. An Act for Sale of Part of the Eſtate late of *Robert Packer* Eſquire, deceaſed, in the County of *Berks*, for diſcharging Incumbrances thereupon.
14. An Act for veſting certain Mills, Lands, and Hereditaments in the Pariſhes of *Ware* and *Great Amwell* in the County of *Hertford* (being Part of the Eſtate of *Thomas Plummer Byde*, Eſquire, an Infant, and comprized in his Grandfather's Marriage Settlement) in the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, and their Succeſſors, and for ſecuring a perpetual Rent Charge in lieu thereof, for the Benefit of the Perſons claiming under the ſaid Settlement.
15. An Act for enabling *John Sowton* to make a Leaſe or Leaſes of certain Meſſuages and Tenements, and a Wharf therein mentioned, ſituate in the Pariſh of St. *Andrew Wardrobe* in the City of *London*.
16. An Act to enable *Dorothea Clerk* to ſell Lands in the County of *Dumfreis*, for Payment of Debts charged thereupon, and to purchaſe other Lands to be ſettled to the ſame Uſes, as the Eſtate to be ſold is ſettled.
17. An Act to enable *John Nairn* to ſue or maintain any Action or Suit, notwithſtanding his Attainder; and to remove any Diſability in him, by Reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may or ſhall hereafter deſcend or come to him.
18. An Act to enable *William Douglas*, eldeſt lawful Son to Sir *Robert Douglas* of *Glenbervie*, Baronet, to ſue or maintain any Action or Suit, notwithſtanding his Attainder; and to remove any Diſability in him, by Reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may have deſcended or come to him ſince His late Majeſty's moſt gracious Pardon, dated the Sixth Day of *February*, in the Sixth Year of his Reign, or that ſhall hereafter deſcend or come to him.
19. An Act for reducing the Stint of the Horſe and Beaſt Paſtures and Sheep Commons within the Manor, Town, and Pariſh of *Caſtle Donnington* in the County of *Leiceſter*.
20. An Act for incloſing and dividing the Common Fields, Waſtes, and unincloſed Grounds within the Manor, Townſhip, or Ham'et of *Aſhenden* in the County of *Bucks*, and for the making effectual certain Exchanges therein mentioned.
21. An Act for incloſing and dividing the Common Mead or Moor, called *Speen Mead* or *Speen Moor* in the County of *Berks*.
22. An Act for incloſing and dividing the Common Fields and Common Grounds in the Manor and Pariſh of *Binbroke* in the County of *Lincoln*.
23. An Act to enable *William Maſſingberd* Eſquire, heretofore called *William Meux*, and the Heirs Male of his Body, to take and uſe the Surname of *Maſſingberd*, purſuant to a Settlement made by Sir *William Maſſingberd* Baronet, deceaſed.
24. An Act to enable *Thomas May* Eſquire, and his Sons, and the Heirs Male of their Bodies, to take and uſe the Surname of *Knight*, purſuant to the Will of *Elizabeth Knight* deceaſed.
25. An Act for naturalizing *John Juſtin Bruningk*, *Peter Untzellman*, *Henry Klencke*, and others.
26. An Act for naturalizing *Philip Rigail*.
27. An Act to naturalize *Herman Bernard* and *John Boſquain*.
28. An Act to naturalize *Frederick Vander Meulen*.

Publick Acts.

Anno 12 *Geo.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty nine.
2. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
3. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*,

for the Service of the Year One thouſand ſeven hundred and thirty nine.

4. An Act to enable the Inhabitants of the Pariſh of Saint *Nicholas* in the City of *Worceſter*, to raiſe Money for diſcharging the Debts they have contracted in rebuilding their Pariſh Church.

5. An Act to continue the Duties for Encouragement of the Coinage of Money.

6. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for allowing farther Time for that Purpoſe.

7. An Act to enable the Pariſhioners of the Pariſh of *Ealing* in the County of *Middleſex*, to raiſe Money by Rates upon themſelves, for finiſhing the Church of the ſaid Pariſh.

8. An Act for repairing the Road between *Stamford* and *Grantham* in the County of *Lincoln*.

9. An Act for applying a Sum of Money, given by the Will of *Daniel Wiſeman* Eſquire, deceaſed, for finiſhing the New Church at *Woolwich* in the County of *Kent*; and for raiſing an Annuity by an Aſſeſſment on the Pariſh of *Woolwich*, during the Lives of *Mary Wiſeman* and *Elizabeth Crouch*, and the Life of the Survivor of them, purſuant to the ſaid Will.

10. An Act for repairing the Roads from the North-weſt Parts of the County of *Lincoln*, through *Nettlam-fields*, *Wragby-lane*, and *Baumber-fields*, to the *Wolds* or North-eaſt Part of the ſaid County.

11. An Act for enlarging the Term and Powers granted by an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty, for repairing the Road from *Fyfield* in the County of *Berks*, to Saint *John's Bridge* in the County of *Glouceſter*; and for repairing the Roads from an Inn called *The Hind's Head* in the Pariſh of *Kingſton Bagpuze* in the ſaid County of *Berks*, to that Part of *Newbridge* which ſtands in the ſaid County of *Berks*.

12. An Act for repairing the Roads from *Bakewell* to *Cheſterfield* in the County of *Derby*, and from *Cheſterfield* to *Workſopp* in the County of *Nottingham*, and from *Cheſterfield* to the Place where the Northern Road meets the *Cheſterfield* Road, which leads to *Mansfield* in the ſaid County of *Nottingham*.

13. An Act for continuing the Act made in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, to regulate the Price and Aſſize of Bread; and for continuing, explaining, and amending the Act made in the Second Year of the Reign of His preſent Majeſty, for the better Regulation of Attornies and Solicitors.

14. An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees.

15. An Act to enable His Majeſty to ſettle an Annuity of Fifteen thouſand Pounds on his Royal Highneſs the Duke of *Cumberland*, and the Heirs of his Body, and alſo one other Annuity of Twenty four thouſand Pounds on their Royal Highneſſes the Princeſs *Amalie*, the Princeſs *Caroline*, the Princeſs *Mary*, and the Princeſs *Loviſa*.

16. An Act for enlarging the Term and Powers granted by an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Road from the* Powder Mills *on* Hounſlow Heath *in the County of* Middleſex, *to a Place called* Baſingſtone, *near the Town of* Bagſhot *in the Pariſh of* Windleſham *in the County of* Surrey.

17. An Act to enable the Pariſhioners of the Pariſh of Saint *Catharine Coleman* in *Fenchurch Street* in the City of *London*, to rebuild the Church of the ſaid Pariſh.

18. An Act for repairing the Road or Highway from the *Dun Cow* in the Town of *Dunchurch* through the Pariſh of *Bilton* over *Dunſmore Heath* to the Town of *Hill Morton* in the County of *Warwick*; and from thence through the ſeveral Pariſhes of *Creek*, *Weſt Haddon*, and *Eaſt Haddon*, in the County of *Northampton*, to Saint *James's End* in the Pariſh of *Duſton* in the ſaid County of *Northampton*.

19. An Act for granting to His Majeſty the Sum of Five hundred thouſand Pounds out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and thirty nine; and for enabling His Majeſty to raiſe the further Sum of Five hundred thouſand Pounds out of the growing Produce of the ſaid Fund; and for the further appropriating the Supplies granted in this Seſſion of Parliament; and for giving Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

20. An Act for enlarging the Term and Powers granted by Two Acts of Parliament, one made in the Sixth Year of the Reign of her late Majeſty Queen *Anne*, and the other in the Seventh Year of the Reign of his late Majeſty King *George* the Firſt, for repairing and enlarging the Highways between the Top of *Kingſdown-hill*, and the City of *Bath*; and for amending ſeveral other Highways leading to the ſaid City; and for cleanſing, paving, and enlightening the Streets, and regulating the Chairmen there; and for keeping a regular Nightly Watch within the ſaid City and Liberties thereof.

21. An Act for taking off the Duties upon Woollen and Bay Yarn imported from *Ireland* to *England*, and for the more effectual preventing the Exportation of Wooll from *Great Britain*, and of Wooll, and Wooll manufactured, from *Ireland* to Foreign Parts.

22. An Act to rectify a Miſtake in an Act made in the Sixth Year of the Reign of his late Majeſty King *George*, for preventing Frauds and Abuſes in the publick Revenues of Exciſe, Cuſtoms, Stamp Duties, Poſt-office, and Houſe-money, relating to the Condition of Bonds taken from Maſters of Ships; and to indemnify Perſons who have acted under the ſaid Miſtake; and alſo to obviate a Doubt which has ariſen upon an Act made in the Seventh Year of his ſaid late Majeſty's Reign, for the further preventing His Majeſty's Subjects from trading to the *Eaſt Indies* under foreign Commiſſions;

and for encouraging and further ſecuring the lawful Trade thereto, with regard to Proſecutions in *Ireland* in a ſummary Way, for the fraudulent Importation of *Eaſt India* Goods into that Kingdom.

23. An Act for providing a Reward to *Joanna Stephens*, upon a proper Diſcovery to be made by her, for the Uſe of the Publick, of the Medecines prepared by her for the Cure of the Stone.

24. An Act to impower the High Court of Chancery to lay out, upon proper Securities, any Monies, not exceeding a Sum therein limited, out of the common and general Caſh in the Bank of *England*, belonging to the Suitors of the ſaid Court, for the Eaſe of the ſaid Suitors, by applying the Intereſt ariſing therefrom for anſwering the Charges of the Office of the Accountant General of the ſaid Court.

25. An Act to obviate ſome Doubts which have ariſen upon the Conſtruction of an Act made in the Firſt Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act for explaining part of an Act made in the Firſt Year of the Reign of King* James *the Firſt, concerning tanned Leather*; and for rendering more effectual a Clauſe in the ſaid laſt mentioned Act, which obliges Curriers to curry Leather; and for repealing Two Clauſes in the ſaid laſt mentioned Act.

26. An Act for the better preventing Frauds and Abuſes in Gold and Silver Wares.

27. An Act for explaining and amending an Act made in the Eighth Year of the Reign of King *Richard* the Second, intituled, *No Man of Law ſhall be Juſtice of Aſſize or Gaol Delivery in his own Country*; and another Act made in the Thirty third Year of the Reign of King *Henry* the Eighth, intituled, *An Act that none ſhall be Juſtice of Aſſize in his own Country*, &c.

28. An Act for the more effectual preventing of exceſſive and deceitful Gaming.

29. An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates.

30. An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture of any of His Majeſty's Sugar Colonies in *America*, from the ſaid Colonies directly to foreign Parts, in Ships built in *Great Britain*, and navigated according to Law.

31. An Act for eſtabliſhing and well governing an Hoſpital or Infirmary in the City of *Bath*.

32. An Act for aſcertaining, preſerving, and improving the Navigation of the River *Lee*, from the Town of *Hertford* to the Town of *Ware* in the County of *Hertford*; and for preſerving and improving the ſaid River, from the ſaid Town of *Ware* to the new Cut or River made by the Mayor, Commonalty, and Citizens of *London*; and for enabling the Governor and Company of the *New River* the better to ſupply the Cities of *London* and *Weſtminſter*, and the Liberties and Suburbs thereof, with good and wholſome Water.

33. An Act to enlarge the Powers of the Commiſſioners for building a Bridge croſs the River *Thames*, from the *Woolſtaple*, or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shoar in the County of *Surrey*; and to enable them by a Lottery to raiſe Money for the ſeveral Purpoſes therein mentioned; and to enlarge the Time for exchanging Tickets unclaimed in the laſt Lottery for the ſaid Bridge; and to make Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed.

34. An Act for enlarging the Term and Powers granted by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, for repairing the Road for *Spittlegate Hill* near *Grantham* in the County of *Lincoln*, to *Little Drayton* in the County of *Nottingham*.

35. An Act for enlarging the Term and Powers granted by an Act paſſed in the Eighth Year of the Reign of his late Majeſty King *George* the Firſt, for amending the Highways leading from *Brampton Bridge* to *Walford Bridge* in the County of *Northampton*; and alſo the great Poſt Road, from *Morter-pit Hill*, in the ſaid County, through *Brixworth*, *Lamport*, *Maidwell*, *Kelmarſh*, and *Oxenden-magna*, to *Chain Bridge*, leading into *Market Harborough* in the County of *Leiceſter*.

36. An Act for prohibiting the Importation of Books reprinted Abroad, and firſt compoſed or written, and printed in *Great Britain*; and for repealing ſo much of an Act made in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, as impowers the limiting the Prices of Books.

Private Acts.

Anno 12 *Geor.* II.

1. AN Act for naturalizing *Jacob Hoffham Muriſon*, *Nathaniel Voogd*, *Samuel Cley*, and others.

2. An Act for naturalizing *James Nadal*, *William René Morin*, and *Charles Delon*.

3. An Act for Sale of Part of the Eſtate late of *Richard Berney* Eſquire, deceaſed, for diſcharging Incumbrances thereupon.

4. An Act for veſting a Meſſuage and Lands in *Twickenham*, late the Eſtate of the Honourable *William Townſhend* Eſquire, deceaſed, in Truſtees, in Truſt to ſell the ſame, purſuant to an Article entered into by the ſaid *William Townſhend* in his Life-time, and for applying the Money ariſing by ſuch Sale for the Benefit of *Charles Townſhend*, his only Son an Heir, an Infant.

5. An Act for veſting in *Archibald Hamilton* Eſquire, commonly called Lord *Archibald Hamilton*, and his Heirs, the Lands, Tenements, and Hereditaments, in the County of *Berks*, therein mentioned, in Truſt, to convey the ſame to Sir *William Irby* Baronet, and his Heirs, and for laying out the Purchaſe-money in the Purchaſe of Lands, Tenements, and Hereditaments, to be ſettled to the Uſes and upon the Truſts therein mentioned.

6. An Act for diſcharging the Eſtate of *John Sherwin* Eſquire, in the County of *Hertford*, from

from the Uſes, Truſts, and Covenants in his Marriage Settlement, and for ſettling an Eſtate in the County of *Nottingham*, and Town and County of the Town of *Nottingham*, of greater Value, in lieu thereof, to the like Uſes.

7. An Act to enable Sir *James Mackenzie* of *Royſton* to ſell Lands and Hereditaments in the Sheriffdom of *Edinburgh*, for Payment of Debts and Incumbrances charged upon and affecting the ſame.

8. An Act for veſting the ſettled Eſtate of *Stamp Brooksbank* Eſquire, in the Counties of *Suffolk* and *Cambridge*, in him and his Heirs; and for ſettling the Manor of *Helaugh*, and divers Lands and Hereditaments in *Helaugh* in the County of the City of *York* of greater Value, in lieu thereof.

9. An Act for ſelling and diſpoſing of Part of the Eſtate of *John Worth* Eſquire, a Lunatick, for diſcharging the Debts, Portions, and Incumbrances, charged upon, and affecting the ſame.

10. An Act for confirming certain Articles of Agreement between the Lord of the Manor of *Hunmanby*, and the Vicar and Freeholders of *Hunmanby* in the County of *York*, for incloſing Part of the Moor of *Hunmanby* aforeſaid.

11. An Act to enable *John Mould* Eſquire, and his Iſſue Male, to take and uſe the Surname and Arms of *Moore*, purſuant to the Will of *John Moore* Eſquire, deceaſed.

12. An Act to enable *John Crouch* Eſquire, eldeſt Son of *Pyke Crouch* Eſquire, deceaſed, and the Heirs Male of his Body, to take and uſe the Surname of *Pyke*, purſuant to the Will of *John Pyke* Eſquire, deceaſed.

13. An Act to enable *Charles Gregory* Eſquire, now called *Charles Gregory Wade*, and his Iſſue Male, to uſe the Surname of *Wade*.

14. An Act to enable *Riſley Brewer*, and his Heirs to take and uſe the Surname and Arms of *Riſley*, purſuant to the Will of *Paul Riſley* Eſquire, deceaſed.

15. An Act for naturalizing *James Tracy*, *Chriſtian Burckhard Reyhlen*, *Zacharias Nieman*, and *Suſannah Hubert*.

16. An Act to enable *Edward* Duke of *Norfolk* to grant building Leaſes for Ninety nine Years, of all or any Part of his Lands in or near the Townſhip of *Sheffield* in the County of *York*.

17. An Act for confirming and eſtabliſhing an Exchange, agreed to be made between *Thomas Holles* Duke of *Newcaſtle* and Sir *Miles Stapylton* Baronet, of their ſettled Eſtates in the County of *York*; and for ſettling the Lands given in Exchange to each Party, to ſuch Uſes as the Lands, for which the ſame are exchanged, ſtood ſettled.

18. An Act to enable the moſt Noble *William* Duke of *Portland* to grant building Leaſes of certain Meſſuages, Pieces, and Parcels of Ground in *Soho Fields* in the County of *Middleſex*, for a further Term than he is impowered to grant by his Marriage Settlement.

19. An Act for diſcharging ſeveral Lands in *Noſeley* in the County of *Leiceſter*, purchaſed by the Executors of *Philip* Earl of *Cheſterfield* deceaſed, from the Uſes and Limitations contained in the Will of the ſaid Earl; and for veſting the ſame Lands in Truſtees to be ſold; and with the Money ariſing thereby to purchaſe other Lands to be ſettled to the ſame Uſes.

20. An Act for diſcharging Part of the ſettled Eſtate of *William* Earl *Cowper*, in the County of *Hertford*, from the Uſes and Limitations of a former Settlement; and for ſettling and ſecuring an Equivalent for the ſame, to the like Uſes.

21. An Act for Sale of Part of the Eſtate of *William* Earl of *Inchiquin* in the Kingdom of *Ireland*, for Payment of the Debts and Incumbrances charged thereupon; and for ſettling ſuch Part thereof as ſhall remain unſold, according to his Marriage Agreement.

22. An Act to eſtabliſh and confirm an Agreement made between Sir *William Courtenay* Baronet, and his Brother *Henry Reginald Courtenay* Eſquire, and to render the ſame effectual for the ſeveral Uſes and Purpoſes therein mentioned.

23. An Act to eſtabliſh a Jointure on Dame *Elizabeth Daſhwood*, Wife of Sir *James Daſhwood* Baronet; and for other Purpoſes therein mentioned.

24. An Act for the Exchange of certain Lands in the ſeveral Pariſhes of *Wroughton* and *Liddyard Treagooze* in the County of *Wilts*, between the Governors of the Hoſpital commonly called the *Charter Houſe*, and *Thomas Benet* of *Salthrop* in the ſaid County of *Wilts* Eſquire.

25. An Act to enable the acting Executors and Teſtamentary Guardians named in the Will of *Edward Warren*, late of *Pointon* in the County of *Cheſter* Eſquire, deceaſed, by ſelling Part, and leaſing other Parts of his ſettled Eſtate, to raiſe Money for diſcharging the Incumbrances thereon, and to provide a ſufficient Maintenance for his Son during his Minority, in eaſe of an Eſtate directed to be ſold by the Will of *John Warren* Eſquire, deceaſed.

26. An Act for confirming certain Articles of Agreement made between *Edward Weſtall* and his Wife, and *Robert Corr* an Infant, and others; and to enable the ſaid *Robert Corr* to perform a Contract for Sale of certain Lands therein mentioned.

27. An Act for Sale of Part of the Eſtate of *Jordan Langdale* Eſquire, in the County of *York*, for Payment of Debts and Incumbrances affecting the ſame.

28. An Act for Sale of Part of the Eſtate late of Sir *John Lear* Baronet, deceaſed, in the County of *Devon*, for Payment of his Debts; and for other Purpoſes therein mentioned.

29. An Act for veſting divers Lands and Hereditaments in the County of *Somerſet*, being Part of the ſettled Eſtate of *Thomas Fownes* Eſquire, in Truſt to be ſold; and for ſettling other Lands in the County of *Devon*, of greater Value, to the ſame Uſes, in lieu thereof.

30. An Act for incloſing Part of certain Common Fields

Fields in the Townſhip of *Pailton* in the County of *Warwick*.

31. An Act for incloſing Part of a Common, or Waſte Grounds, called *Hill-ſide*, otherwiſe *Lambden-common*, in the Manor and Pariſh of *Odiham* and County of *Southampton*.
32. An Act for dividing and incloſing the Common Fields lying in the Manor of *Shipton Moyne*, within the Pariſh of *Shipton Moyne* and *Dovel* in the County of *Glouceſter*, commonly called the *North* and *South Common Fields*.
33. An Act to enable *John Bell* Eſquire, and his Iſſue, to take and uſe the Surname of *Lane*, and the Arms of *James* Lord Viſcount *Laneſborough* deceaſed, purſuant to his Will.
34. An Act for naturalizing *Adrian Colteé Ducarel*.
35. An Act for naturalizing *John Deſhons*.

Publick Acts.

Anno 13 *Geo.* II.

1. AN Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thouſand ſeven hundred and forty.
2. An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and forty.
3. An Act for the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other Trading Ships, and Privateers.
4. An Act for the more effectual ſecuring and encouraging the Trade of His Majeſty's *Britiſh* Subjects to *America*, and for the Encouragement of Seamen to enter into His Majeſty's Service.
5. An Act for making more effectual Three ſeveral Acts of Parliament, one of the Sixth Year of the Reign of her late Majeſty Queen *Anne*, and another of the Eleventh Year of the Reign of his late Majeſty King *George*, *For repairing the Highways from* Old Stratford *in the County of* Northampton, *to* Dunchurch *in the County of of* Warwick; and the Third made in the Tenth Year of His preſent Majeſty's Reign, for making more effectual the ſaid Two former Acts.
6. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, within the Time limited by Law, and for allowing further Time for that Purpoſe.
7. An Act for naturalizing ſuch foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*.
8. An Act to explain and amend an Act made in the Firſt Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for the more effectual preventing the Abuſes and Frauds of Perſons employed in the working up the Woollen, Linen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom*; and for extending the ſaid Act to the Manufactures of Leather.
9. An Act for repairing the Road between *Hockliffe* in the County of *Bedford*, and *Stony-Stratford* in the County of *Buckingham*.
10. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
11. An Act for the more effectual improving the Navigation of the River *Dun*, from a Place called *Wilſick-houſe* in the Pariſh of *Barmby-dun* in the County of *York*, to *Fiſhlock-ferry* in the ſame County.
12. An Act for making a Chapel lately built by *Robert Downes*, Goldſmith, and others, in the Town of *Sheffield* in the County of *York*, a perpetual Cure and Benefice; and for making a Proviſion for the Maintenance of the Curate or Miniſter of the ſaid Chapel, purſuant to an Agreement for that Purpoſe.
13. An Act for providing a Marriage Portion for the Princeſs *Mary*.
14. An Act for making more effectual Two Acts of Parliament, paſſed in the Seventh and Tenth Years of her late Majeſty Queen *Anne*, *For preſerving and enlarging the Harbour of* Whitehaven *in the County of* Cumberland; and for repairing and amending the High Roads leading to the ſaid Harbour and Town of *Whitehaven*.
15. An Act for continuing and making more effectual an Act paſſed in the Fifth Year of the Reign of his late Majeſty King *George* the Firſt, *For repairing the Roads from the Top of* Stoken-church Hill *to* Enſlow-bridge, *and the Road from* Wheatley-bridge *through the City of* Oxon, *by* Begbrook, *to* New Woodſtock *in the County of* Oxon (*except the Mile-way on each Side of the ſaid City*) and for repairing the Road from the *Crown Alehouſe* to the Turnpike on *Stoken-church Hill* aforeſaid.
16. An Act to give further Powers to the Commiſſioners for building a Bridge croſs the River *Thames*, from the City of *Weſtminſter* to the oppoſite Shore in the County of *Surrey*; and to enable them to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform the other Truſts repoſed in them.
17. An Act for the Increaſe of Mariners and Seamen to navigate Merchant Ships, and other Trading Ships or Veſſels.
18. An Act to continue ſeveral Laws therein mentioned; for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways, or Locks or other Works erected by Authority of Parliament for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Wears upon the River of *Thames* Weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River; and for preventing frivolous and vexatious Arreſts; and for better ſecuring the lawful Trade of His Majeſty's Subjects to and from the *Eaſt Indies*, and for the more effectual preventing all His Majeſty's Subjects trading

 thither

thither under foreign Commiſſions; and for limiting the Time for ſuing forth Writs of *Certiorari* upon Proceedings before Juſtices of the Peace, and for regulating the Time and Manner of applying for the ſame; for the better and more ſpeedy Execution of Proceſs within particular Franchiſes or Liberties; and for extending the Powers and Authorities of Juſtices of the Peace of Counties, touching County Rates, to the Juſtices of the Peace of ſuch Liberties and Franchiſes as have Commiſſions of the Peace within themſelves.

19. An Act to reſtrain and prevent the exceſſive Increaſe of Horſe Races; and for amending an Act made in the laſt Seſſion of Parliament, intituled, *An Act for the more effectual preventing of exceſſive and deceitful Gaming.*

20. An Act for more effectually preventing fraudulent Qualifications of Perſons to vote as Freeholders in the Election of Members to ſerve in Parliament, for ſuch Cities and Towns as are Counties of themſelves, in that Part of *Great Britain* called *England.*

21. An Act for further and more effectually preventing the wilful and malicious Deſtruction of Collieries and Coal Works.

22. An Act for enlarging the Term and Powers granted and given by an Act paſſed in the Tenth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Road leading from* Dunchurch *in the County of* Warwick, *to the Bottom of* Meriden Hill *in the ſame County*; and for making the ſaid Act more effectual.

23. An Act for granting to His Majeſty the Sum of One Million out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and forty; and for enabling His Majeſty to raiſe the further Sum of Two hundred thouſand Pounds out of the growing Produce of the ſaid Fund; and for granting to His Majeſty the Sum of Twenty one thouſand Pounds, one Shilling, and eight Pence Halfpeny, remaining in the Receipt of His Majeſty's Exchequer, ariſen by Sale of Lands in the Iſland of Saint *Chriſtopher*'s; and for the further appropriating the Supplies granted in this Seſſion of Parliament.

24. An Act for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament; and alſo for amending the Laws for erecting, providing, and regulating Houſes of Correction.

25. An Act for the more effectual Maintenance and Well-keeping of *Staines Bridge* and *Egham* Cauſeway, being the Highway from *London* to the Weſt Parts of *England.*

26. An Act to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of his late Majeſty King *Charles* the Second, intituled, *An Act for making the River of* Medway *navigable, in the Counties of* Kent *and* Suſſex.

27. An Act for prohibiting Commerce with *Spain.*

28. An Act for continuing the ſeveral Laws therein mentioned, relating to the Premiums upon the Importation of Maſts, Yards, and Bowſprits, Tar, Pitch, and Turpentine; to *Britiſh*-made Sail Cloth, and the Duties payable on Foreign Sail Cloth; to the *Greenland*, and to the Whale Fiſhery; for granting a further Bounty for all Ships employed in the Whale Fiſhery during the preſent War; for exempting Harponeers and others employed in the *Greenland* Fiſhery Trade, from being impreſſed; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

29. An Act for confirming and enlarging the Powers granted by His Majeſty to the Governors and Guardians of the Hoſpital for the Maintenance and Education of expoſed and deſerted young Children, by His moſt Gracious Charter, bearing Date the Seventeenth Day of *October*, in the Year of our Lord One thouſand ſeven hundred and thirty nine, and to enable them to execute the good Purpoſes of the ſaid Charter.

30. An Act for further enlarging the Term granted by an Act of the Ninth and Tenth Years of the Reign of King *William* the Third, *For cleanſing and making navigable the Chanel from the Hithe at* Colcheſter *to* Wivenhoe; and for making the ſaid Act, and another Act of the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, *For enlarging the Term granted by the ſaid Act of the Ninth and Tenth Years of the Reign of King* William *the Third*, more effectual.

Private Acts.

Anno 13 *Geo.* II.

1. AN Act for naturalizing *John-Georg Liebenrood, Bartholomew-Chriſtopher Lutyens*, and others.

2. An Act for explaining ſeveral Powers contained in the Will of *William* late Lord *Craven*, for making Jointures and Leaſes, and for rendering the ſame Powers more effectual for the Purpoſes thereby intended.

3. An Act for confirming and eſtabliſhing an Exchange, agreed upon between the Lord of the Manor, and the Rector of the Pariſh Church of *Great Bircham* in the County of *Norfolk*; and for promoting and facilitating an Incloſure, intended to be made of divers Commons, Common Paſture, and Waſte Grounds, lying in the ſaid Pariſh of *Great Bircham.*

4. An Act to enable *William Grierſon*, the eldeſt Son of Sir *Robert Grierſon* of *Lag*, Baronet, to ſue or maintain any Action or Suit, notwithſtanding his Attainder; and to remove any Diſability in him, by Reaſon of his ſaid Attainder, to take or inherit any Real or Perſonal Eſtate, that may have deſcended or otherwiſe come to him, ſince His late Majeſty's moſt gracious Pardon, dated the Twenty ninth Day of *June*, in the Eleventh Year of his Reign, or that ſhall hereafter deſcend or otherwiſe come to him.

5. An Act to enable *Thomas Betteſworth* Eſq; and his Heirs Male, to take and uſe the Surname of

of *Bilſon* purſuant to the Will of *Leonard Bilſon* Eſq; deceaſed.

6. An Act for naturalizing *Amalie Sophie de Wallmoden.*
7. An Act for naturalizing *Anthony Vazeille*, *Stephen Saint André*, and others.
8. An Act for naturalizing *Iſaac Olier*, *Chriſtian Schutte*, *John-Daniel Cottin*, and *Henry Lyell.*
9. An Act to explain and enlarge the ſeveral Powers for appointing Portions and ſettling Jointures, which are contained in certain Letters Patent, bearing Date the Twenty ſecond Day of *October*, in the Twenty ſixth Year of the Reign of King *Charles* the Second, whereby certain yearly Penſions, iſſuing out of the hereditary Revenue of Exciſe, do now ſtand limited to *William* Duke of *Cleveland*, and *Charles* Duke of *Grafton*, and the Heirs Male of their Bodies reſpectively.
10. An Act for veſting the Inheritance of Part of the Eſtate of *George* late Earl of *Halifax*, deceaſed, in Truſtees, for Payment of his Debts, Daughters Portions, and Legacies.
11. An Act for confirming and eſtabliſhing certain Articles of Agreement made between *Maurice Conyers* Eſq; Lord of the Manor of *Ruſthall* in the County of *Kent*, and the Right Honourable *William* Lord *Abergavenny*, and other Freehold Tenants of the ſaid Manor, relating to certain Buildings and Incloſures made and erected in and upon Part of the Waſtes of the ſaid Manor, and for making the ſaid Agreement more effectual, for the Purpoſes thereby intended.
12. An Act to enable Sir *William Morice* Baronet, to grant to the Incumbent of the Pariſh Church of *Werington* in the County of *Devon*, and his Succeſſors, and the Pariſhioners of the ſaid Pariſh, a Piece of Ground belonging to the Capital Meſſuage of *Werington* in the ſaid County.
13. An Act for eſtabliſhing and confirming an Agreement between *William Gore* Eſq; Executor of *Edward Gore* Eſq; deceaſed, and *Mary Gore*, Widow of *Thomas Gore* Eſq; deceaſed, for herſelf, and on the Behalf of *Charles Gore* an Infant, relating to the Sum of Three thouſand Pounds, paid by *Francis Freeman* Gent. to the ſaid *Edward Gore.*
14. An Act for exchanging ſeveral Lands and Grounds belonging to *Thomas Inwen* Eſq; in the Pariſh of *Wootton* in the County of *Bedford*, for other Lands of equal Value in the ſame Pariſh, belonging to the Maſter, Fellows, and Scholars of *Sidney-Suſſex College* in *Cambridge.*
15. An Act for ſelling Part of the ſettled Eſtate of *Henry Talbot* Eſq; in the Counties of *Warwick* and *Derby*; and for ſettling another Eſtate in the County of *Rutland*, of greater Value, to the ſame Uſes.
16. An Act for making Diviſions, Incloſures, and Allotments of the open Corn Fields, and Common Paſture, in the Lordſhip of *Bewholm*, otherwiſe *Bewham*, in the Pariſh of *Nunkeeling* in the County of *York*; and for ſettling and eſtabliſhing the Payment of a yearly Sum to the Impropriators of the Rectory of *Nunkeeling* aforeſaid, and their Heirs, in lieu of Tithes ariſing within the ſaid Lordſhip, purſuant to an Agreement between the ſaid Impropriators, and the Proprietors of the ſaid Lands.
17. An Act for confirming and eſtabliſhing Articles of Agreement, and an Award, for dividing and incloſing of a Common Down, and for dividing, incloſing, and exchanging of Lands lying in the Tithing of *Charlton* in the Pariſh of *Andover* in the County of *Southampton.*
18. An Act for dividing and incloſing the common Fields in the Pariſh of *Stivichall*, alias *Stichall*, in the County of the City of *Coventry.*
19. An Act for incloſing and dividing the Common Fields, Common Paſtures, and Waſte Grounds, lying within the Manor and Townſhip of *Gunnerton* in the County of *Northumberland.*

Publick Acts.

Anno 14 *Geo.* II.

1. AN Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and forty one.
2. An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thouſand ſeven hundred and forty one.
3. An Act to prohibit, for a Time therein limited, the Exportation of Corn, Grain (Rice excepted) Meal, Malt, Flour, Bread, Biſcuit, Starch, Beef, Pork, and Bacon.
4. An Act to impower *Joſeph Porter*, *James Bourdieu*, and *Abraham Deſmarette*, to import a certain Quantity of Raw Silk of the Growth of *Spain* from *Leghorn.*
5. An Act for making the Chapelry of *Nether Knutsford* in the Pariſh of *Roſthern* and County of *Cheſter*, a ſeparate and diſtinct Pariſh; and for erecting a Pariſh Church therein, endowing the ſame, ſettling the Right of Preſentation thereto, and other Purpoſes.
6. An Act to render the Laws more effectual for preventing the ſtealing and deſtroying of Sheep, and other Cattle.
7. An Act for licenſing the Importation of Victual from *Ireland*, and other Parts beyond the Seas, into *Scotland*, in Time of Dearth and Scarcity.
8. An Act for incorporating the Undertakers of the Navigation of the River *Dee.*
9. An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.
10. An Act to explain and amend an Act made in the Third Year of the Reign of King *James* the First,

First, intituled, *An Act for the recovering of ſmall Debts, and for the relieving of poor Debtors, in* London.

11. An Act for ſupplying the City of *Glouceſter* with freſh Water.

12. An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, *For repairing the Roads leading from* Seven-oaks *to* Woodſgate *and* Tunbridge-wells, *and from* Woodſgate *to* Kipping's-croſs *in the County of* Kent; *and alſo for repairing the Roads from* Kipping's Croſs *aforeſaid, to* Lamberhurſt Pound, *and* Pullen's Hill *in the ſaid County*; *and to* Flimwell Vent *in the County of* Suſſex.

13. An Act to enlarge the Terms and Powers granted by Three ſeveral Acts made in the Ninth and Twelfth Years of the Reign of her late Majeſty Queen *Anne*, and in the Thirteenth Year of the Reign of his late Majeſty King *George* the Firſt, *For amending the Highways leading from* Royſton *in the County of* Hertford, *to* Wandsford Bridge *in the County of* Huntingdon, ſo far as the ſame relate to the Roads lying in the Middle and South Diviſions of the ſaid Highways.

14. An Act to enlarge the Terms and Powers granted by an Act made in the Firſt Year of His preſent Majeſty's Reign, intituled, *An Act for repairing the Road leading from* Chatteris Ferry (*which divides the Iſle of* Ely *from the County of* Huntingdon) *to* Hammond's Eau, *and from thence to* Somerſham Bridge *at* Somerſham *Town's End in the ſaid County.*

15. An Act for finiſhing and compleating the Pariſh Church of *Gainsborough* in the County of *Lincoln.*

16. An Act for enlarging the Term and Powers granted by an Act made in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Roads in the Pariſhes of* Kenſington, Chelſea, *and* Fulham, *and other Pariſhes therein mentioned, in the County of* Middleſex; and for repairing ſome other Roads in the Pariſh of Saint *George Hanover Square*, and the ſaid Pariſhes of *Kenſington* and *Chelſea.*

17. An Act to prevent Inconveniencies ariſing from Delays of Cauſes after Iſſue joined.

18. An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for allowing farther Time for that Purpoſe.

19. An Act for repairing the Roads from a Place called *Redhouſe*, near *Doncaſter*, to *Wakefield*; and through the ſaid Town of *Wakefield*, by *Dewsbury*, *Hightown*, and *Lightcliff*, to the Town of *Halifax*, in the Weſt Riding of the County of *York.*

20. An Act to amend the Law concerning Common Recoveries, and to explain and amend an Act made in the Twenty ninth Year of the Reign of King *Charles* the Second, intituled, *An Act for Prevention of Frauds and Perjuries*, ſo far as the ſame relates to Eſtates *pur auter Vie.*

21. An Act to indemnify Proteſtant Purchaſers of Eſtates of Papiſts, againſt the Penalties or Forfeitures Papiſts are liable to, for not having inrolled their Eſtates, in Purſuance of an Act of the Third Year of the Reign of his late Majeſty King *George* the Firſt, for that Purpoſe.

22. An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Seven Years; and for allowing Rock Salt to be uſed in making of Salt from Sea Water at the Salt Works at *Neath* in the County of *Glamorgan.*

23. An Act for repairing the Road from *Wakefield* to *Pontefract*, and from thence to a Place called *Weeland* in the Townſhip of *Henſall*, and from *Pontefract* to *Wentbridge* in the Townſhip of *Darrington*, in the Weſt Riding of the County of *York.*

24. An Act for the effectual Draining and Preſervation of *Waterbeach Level* in the County of *Cambridge*, and to eſtabliſh an Agreement made between the Lord of the Manor of *Waterbeach cum Denny*, and the Commoners within the ſaid Manor.

25. An Act for repairing the Road leading from *Eland* to the Town of *Leeds* in the Weſt Riding of the County of *York.*

26. An Act for making a Chapel lately built by *John Coppin* Eſquire, at *Market Street* in the Pariſh of *Cadington* in the County of *Hertford*, a perpetual Cure and Benefice; and for other Purpoſes therein mentioned.

27. An Act to enable the Pariſhioners of the Pariſh of Saint *Botolph* without *Aldgate*, in the City of *London*, and County of *Middleſex*, to rebuild the Church of the ſaid Pariſh.

28. An Act for repairing the Roads from *Doncaſter* through *Ferry-bridge*, to the South Side of *Tadcaſter Croſs*; and alſo from *Ferry-bridge*, to *Weatherby*, and from thence to *Borough-bridge* in the County of *York.*

29. An Act for enlarging the Term and Powers granted by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road from* Horſley Upright Gate, *leading down* Bowden Hill *in the County of* Wilts, *to the Top of* Kingſdown Hill *in the Pariſh of* Box *in the ſaid County.*

30. An Act for appointing new Commiſſioners and Truſtees for putting in Execution an Act paſſed in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for veſting the Eſtate and Effects of* John Coggs, *and* John Dann, *Goldſmiths and Copartners, in Truſtees, for the ſpeedier Payment of their Creditors, and for determining Differences thereupon.*

31. An Act for repairing the Road from *Doncaſter* (through the Pariſh of *Peniſton*) in the County of *York*, to *Salter's Brook* in the County of *Cheſter*; and alſo the Road from *Rotherham* in the ſaid County of *York*, to *Hartcliffe Hill* in the ſaid Pariſh of *Peniſton.*

32. An Act for repairing and enlarging the Roads from the Town of *Selby* in the Weſt Riding of the County of *York*, to the Town of *Leeds*; and from thence (in two ſeveral Branches, one through *Bradford* and *Horton*, and the other through *Bowling* and *Wibſey*) to the Town of *Halifax* in the ſame Riding.

33. An Act to ſupply ſome Defects in the Laws for

for repairing and rebuilding County Bridges, for repairing, enlarging, erecting, and providing Houſes of Correction, and for paſſing Rogues and Vagabonds.

34. An Act to continue an Act for Relief of Debtors with reſpect to the Impriſonment of their Perſons, and Two ſubſequent Acts for explaining and amending the ſame; and alſo to continue an Act for the free Importation of Cochineal and Indico.

35. An Act for continuing an Act paſſed in the Seventh Year of the Reign of His preſent Majeſty, *To explain and amend a former Act paſſed in the Eleventh Year of the Reign of his late Majeſty King* George *the Firſt, For the better regulating the Manufacture of Cloth in the Weſt Riding of the County of* York, and for making the ſaid Acts more effectual.

36. An Act for opening a Trade to and from *Perſia* through *Ruſſia*.

37. An Act for reſtraining and preventing ſeveral unwarrantable Schemes and Undertakings in His Majeſty's Colonies and Plantations in *America*.

38. An Act for the Encouragement and Increaſe of Seamen, and for the better and ſpeedier Manning His Majeſty's Fleet.

39. An Act for ſurveying the Chief Ports and Head Lands on the Coaſts of *Great Britain* and *Ireland*, and the Iſlands and Plantations thereto belonging, in order to the more exact Determination of the Longitude and Latitude thereof.

40. An Act to enable the Commiſſioners for building a Bridge croſs the River *Thames*, from the City of *Weſtminſter* to the oppoſite Shoar in the County of *Surrey*, to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform the other Truſts repoſed in them, and for exchanging of Tickets unclaimed in the *Weſtminſter Bridge* Lottery of the Twelfth Year of His preſent Majeſty's Reign, and for making Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed.

41. An Act for granting to His Majeſty the Sum of One Million out of the Sinking Fund, and for applying other Sums therein mentioned, for the Service of the Year One thouſand ſeven hundred and forty one; and for allowing a Drawback of the Duties upon Coals uſed in Fire Engines for draining Tin and Copper Mines in the County of *Cornwall*; and for appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders, loſt, burnt, or otherwiſe deſtroyed; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

42. An Act for the Preſervation of the Publick Roads in that Part of *Great Britain* called *England*.

43. An Act to enable *Thomas Smith* Eſquire, Lord of the Manor of *Farlington*, in the County of *Southampton*, to ſupply the Town of *Portſmouth*, and Parts adjacent, with good and wholeſome Water, at his own proper Coſt and Charges.

Private Acts.

Anno 14 *Geo.* II.

1. AN Act for naturalizing *John De Peſters*, Eſq;

2. An Act for enabling *Robert* Duke of *Manchester* to make a Jointure on his preſent Ducheſs, and to make Leaſes of certain Parts of his Eſtate, and for other Purpoſes therein mentioned.

3. An Act for veſting the Seat and Eſtates of *Nicholas* late Earl of *Scarſdale*, deceaſed, in the ſeveral Counties of *Derby* and *Nottingham*, comprized in his Settlement and Will, and the Furniture there at his Death, in Truſtees, to be ſold for ſpeedier Payment of his Debts, and preſerving the Surplus, to go according to his ſaid Settlement and Will.

4. An Act for veſting in *William Wildman*, Lord Viſcount *Barrington* in the Kingdom of *Ireland*, for Life, certain Meſſuages and Tenements in the City of *London*, late the Eſtate of *Mary* Lady Viſcounteſs *Barrington*, his Wife, upon the Terms mentioned in their Marriage Settlement.

5. An Act for enabling Sir *John Jennings*, and *George Jennings* Eſq; his Son (a Minor) to convey certain Eſtates in *Surrey* and *Hertfordſhire*, for the Benefit of the ſaid *George Jennings*, and ſuch Wife as he ſhall marry, and the Iſſue of ſuch Marriage.

6. An Act for veſting Part of the Tithes of *Ryegate*, in the County of *Surrey*, in *Robert Scawen* Eſq; and his Heirs, and for ſettling another Eſtate to the Uſes limited of the ſaid Tithes by the Will of Sir *William Scawen*, Knt. deceaſed.

7. An Act for veſting the Freehold and Leaſehold Eſtates late of *Thomas Lewis* of *Soberton* Eſq; deceaſed, in Truſtees, to be ſold for raiſing Money to diſcharge his Debts and Legacies.

8. An Act for veſting certain Manors, Lands, and Tenements of *William Hudleſton* Eſq; in Truſtees, to be ſold for Payment of his Debts.

9. An Act for Sale of the Eſtate of *John Neale* Eſq; in the County of *Bucks*, and for ſettling another Eſtate in the County of *Warwick*, in lieu thereof.

10. An Act for veſting the ſettled Eſtate of *Thomas Weſtern* Eſq; in the County of *Buckingham*, in him and his Heirs, and for ſettling another Eſtate in the County of *Cambridge*, of greater Value, to the Uſes of his Marriage Settlement, and alſo for rendering a Power of Revocation contained in that Settlement more effectual, for the Purpoſes thereby intended.

11. An Act for dividing and incloſing ſeveral open Fields, Paſtures, and Commons, in the Townſhips of *Great Driffield* and *Little Driffield* in the County of *York*, and for ſettling certain yearly Payments to the Prebendary of *Driffield* for the Time being, in lieu of his Tithes, purſuant to an Agreement and an Award made for thoſe Purpoſes.

12. An Act for confirming and eſtabliſhing Articles of Agreement, and an Award for dividing and incloſing certain Common Fields, and a Common called *Chawton Common*, in

the Pariſh of *Chawton* in the County of *Southampton*.

13. An Act for dividing and incloſing the Common Fields, lying in the Manor and Pariſh of *Sherſton Magna* in the County of *Wilts*.

14. An Act for incloſing and dividing the Common Fields, Common Paſtures, Common Meadows, and Waſte Grounds, in the Manor and Pariſh of *Brincklow* in the County of *Warwick*.

15. An Act to enable *John Rice*, and his Heirs, to take and uſe the Surname of *Tutt*, purſuant to the Will of *John Tutt*, Gentleman, deceaſed.

16. An Act for enabling *Edward Burnaby*, an Infant, and the Heirs Male of his Body, to take the Surname of *Greene*, purſuant to the Will of *Thomas Greene* Eſq; deceaſed, and for other Purpoſes therein mentioned.

17. An Act to enable *Francis Thiſtlethwaite* Eſq; and the Heirs Male of his Body, to take and uſe the Surname of *Whithed*, purſuant to the Will and Codicils of *Richard Whithed*, Eſq; deceaſed.

18. An Act for veſting Part of the ſettled Eſtate of *Thomas Edmunds*, Eſq; in Truſtees, to be ſold for raiſing Money to diſcharge the Debts of himſelf and his late Father deceaſed, and for ſettling another Eſtate of greater Value in lieu thereof.

19. An Act for naturalizing *John Richard Brinckman*, Eſq;

20. An Act for naturalizing *Martin Kuyck Van Mierop*.

21. An Act for naturalizing *Gedeon Bourdillon*, *John David Billon*, and *Matthew Houſman*.

22. An Act for naturalizing *Eve Superiori*, alias *Smith*.

23. An Act for naturalizing *Erneſt Barnerd*.

24. An Act for naturalizing *Everard John Ludewig*.

25. An Act for eſtabliſhing and confirming a Partition agreed to be made, between *Henry* Duke of *Beaufort*, and *William* Duke of *Portland*, of the ſeveral Manors, Meſſuages, Lands, Tenements, and Hereditaments, in the Counties of *Southampton* and *Wilts*, whereof they are ſeized as Tenants in common; and for ſettling their ſpecifick Shares and Allotments to ſuch Uſes as their undivided Moieties thereof now ſtand limited; and for other Purpoſes therein mentioned.

26. An Act to enable *William* Earl of *Strafford*, an Infant of about the Age of Nineteen Years, to make a Settlement of his Eſtate upon his Marriage with the Lady *Anne Campbell*.

27. An Act for explaining and making more effectual an Act made in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act for diſcharging Part of the ſettled Eſtate of* William *Earl* Cowper *in the County of* Hertford, *from the Uſes and Limitations of a former Settlement, and for ſettling and ſecuring an Equivalent for the ſame, to the like Uſes.*

28. An Act for enabling the Right Honourable *Charles* Earl of *Arran*, to raiſe Money by Sale or Mortgage of Part of his Eſtate in the Kingdom of *Ireland*, for Payment of Debts, and for other Purpoſes.

29. An Act to enable *George* Viſcount of *Garnock*, or the ſucceeding Heirs of Entail, to ſell Lands in the Counties of *Dunbarton* and *Air*, for Payment of Debts charged thereupon, and to purchaſe other Lands, to be ſettled to the ſame Uſes as the Eſtate to be ſold is ſettled.

30. An Act for vacating a Term of One hundred Years, in a voluntary Settlement made by Sir *Hugh Clopton* Knight, and for creating a new Term of One thouſand Years, in lieu thereof, for the Purpoſes therein mentioned.

31. An Act for veſting Part of the Eſtate of *Francis Pemberton* Eſquire, in the County of *Cambridge*, in Truſtees, to be ſold for diſcharging the Incumbrances thereon; and for ſettling another Part of his Eſtate to the Uſes and for the Purpoſes of his Marriage Settlement.

32. An Act for empowering *Gwyn Vaughan* Eſquire, and his Wife, and their Sons, to make Leaſes of the Manor of *Kingſton Seymour* in the County of *Somerſet*, for Years determinable on Deaths, according to the Uſage of the Country.

33. An Act for naturalizing *Francis D'Abbadie*,

Anno octavo GEORGII II. Regis.

At the Parliament begun and holden at *Weſtminſter*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland* King, Defender of the Faith, *&c.* Being the Firſt Seſſion of this preſent Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty five.

CAP. II.

An Act to puniſh Mutiny and Deſertion; and for the better Payment of the Army, and their Quarters.

[*This Act is to the ſame Effect as* 7 Geo. II. *cap.* 2. *with the Addition of the Two following Clauſes.*]

LVII. PRovided nevertheleſs, and it is hereby declared by the Authority afore-ſaid, That from and after the Twenty fifth Day of March, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty five, when and as often as any Perſon or Perſons ſhall be inliſted as a Soldier or Soldiers for His Majeſty's Land Service, he and they ſhall, within Four Days after ſuch Inliſting reſpectively, be carried before the next Juſtice of the Peace of any County, Riding, City, or Place, or Chief Magiſtrate of any City or Town Corporate (not being an Officer in the Army) and before ſuch Juſtice or Chief Magiſtrate he or they ſhall be at liberty to declare his or their diſſent to ſuch Inliſting; and upon ſuch Declaration, and returning the Inliſting Money, and alſo each Perſon ſo diſſenting, paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, ſuch Perſon or Perſons ſo inliſted ſhall be forthwith diſcharged and ſet at liberty in the Preſence of ſuch Juſtice or Chief Magiſtrate; but if ſuch Perſon or Perſons ſhall refuſe or neglect within the Space of Twenty four Hours to return and pay ſuch Money as aforeſaid, he or they ſhall be deemed and taken to be inliſted, as if he or they had given his or their aſſent thereto before the ſaid Juſtice or Chief Magiſtrate; or if ſuch Perſon or Perſons ſhall declare his or their having voluntarily inliſted himſelf or themſelves, then ſuch Juſtice or Chief Magiſtrate ſhall, and he is hereby required forthwith to certify under his Hand, that ſuch Perſon or Perſons is or are duly inliſted, ſetting forth the Place of the Birth, Age, and Calling of him or them reſpectively (if known) and that the Seventh and Tenth Articles of War againſt Mutiny and Deſertion were read to him or them, and that he or they had taken the Oath mentioned in the ſaid Articles of War; and if any ſuch Perſon or Perſons, ſo to be certified as duly inliſted, ſhall refuſe to take the ſaid Oath of Fidelity before the ſaid Juſtice or Chief Magiſtrate, it ſhall and may be lawful for ſuch Officer, from whom he has received ſuch Money as aforeſaid, to detain and confine ſuch Perſon or Perſons, until he or they ſhall take the Oath before required; and every military Officer that ſhall act contrary hereto, or offend herein, ſhall incur the like Penalty and Forfeiture as is by this Act to be inflicted upon any Officer for making a falſe and untrue Muſter, and the Penalty and Forfeiture ſhall be levied and recovered in the ſame Manner, as any Penalties or Forfeitures are by this Act to be levied and recovered. Clauſe of Relief for Perſons haſtily liſting themſelves.

LVIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive the Inliſting Money from any Officer (knowing it to be ſuch) and ſhall abſcond, or refuſe to go before ſuch Juſtice or Chief Magiſtrate, in order to declare his Aſſent or Diſſent as aforeſaid, ſuch Perſon or Perſons ſhall be deemed and taken to be inliſted to all Intents and Purpoſes whatſoever, and ſhall and may be proceeded againſt, as if he or they had taken the Oath directed by the ſaid Articles of War to be taken before ſuch Juſtice or Chief Magiſtrate. Perſons refuſing the ſaid Relief to be proceeded againſt as if duly liſted.

CAP. III.

An Act for repairing the Roads from the Town of *Manchester*, leading through *Newton*, *Failſworth*, and *Oldham*, in the County Palatine of *Lancaſter*, to *Auſterlands* in the Pariſh of *Saddleworth*, in the County of *York*.

WHEREAS the Highways or Roads leading from *Manchester* in the County Palatine of *Lancaſter* through the Town of *Oldham* in the ſaid County and from thence to *Auſterlands* in the Pariſh of *Saddleworth* in the County of *York* by Reaſon of the Nature of the Soil and of the many heavy Carriages frequently paſſing through the ſame are become ſo exceeding deep and ruinous, that in Winter Seaſon (and oftentimes in Summer) many Parts thereof are impaſſable for Waggons, Carts, and other Carriages, and very dangerous for Travellers, and cannot by the ordinary Courſe and Method appointed by the Laws and Statutes of this Realm in being be effectually amended and kept in good repair: Wherefore, *&c.* Preamble.

The Tolls granted by this Act are to continue from 1 May, 1735, *for* 21 *Years.*

CAP. IV.

An Act to indemnify Perſons who have omitted to make and ſubſcribe the Declarations contained in the Act of Uniformity of the Thirteenth and Fourteenth Years of King *Charles* the Second within the Time limited by Law; and for allowing further Time for doing thereof.

CAP. V.

An Act for enlarging the Term and Powers granted by an Act made in the Twelfth and Thirteenth Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for repairing and amending the Highways between the Town or Village of* Tittenſor *and the moſt Northern Part of* Talk on the Hill *in* Butt Lane *in the County of* Stafford.

Preamble.

WHEREAS by an Act of Parliament made and paſſed in the Seſſion of Parliament begun in the Twelfth Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for repairing and amending the Highways between the Town or Village of* Tittenſor, *and the moſt Northern Part of* Talk on the Hill, *in* Butt Lane *in the County of* Stafford, ſeveral Tolls and Duties were granted and made payable for repairing the ſaid Highways, which ſaid Act was to commence from the Twenty fourth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and fourteen, and from thence to continue in Force for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution, have laid out and expended great Sums of Money in repairing the ſaid Roads, and although great Progreſs hath been made in the Repairs thereof, yet the ſaid Highways, by reaſon of the many heavy Carriages paſſing through the ſame, and Materials neceſſary for ſuch Repairs lying at a great Diſtance from the ſaid Highways, the ſame are now very ruinous and bad, and cannot by the ordinary Courſe appointed by the Laws and Statutes of this Realm be effectually amended and kept in good Repair: Wherefore, and to the Intent the ſaid Highways or Roads may be effectually amended and kept in good Repair, *&c.*

The former Act is further continued for 21 *Years.*

CAP. VI.

Vid. Mo. in Piggt Inſtructions for Regiſtring of Deeds in Middx.

An Act for the publick regiſtring of all Deeds, Conveyances, Wills, and other Incumbrances, that ſhall be made of, or that may affect, any Honors, Manors, Lands, Tenements, or Hereditaments, within the *North Riding* of the County of *York*, after the Nine and twentieth Day of *September*, One thouſand ſeven hundred and thirty ſix.

Preamble.

WHEREAS the Lands in the *North Riding* of the County of *York* are generally Freehold, which may be ſo ſecretly transferred or conveyed from one Perſon to another, and incumbered, that ſuch Perſons as are ill diſpoſed have it in their Power to commit Frauds, and frequently do ſo, by Means whereof ſeveral Perſons, who through many Years Induſtry in their Trades and Employments and by great Frugality have been enabled to purchaſe Lands, or lend Money on Land Security, have been undone in their Purchaſes and Mortgages by prior and ſecret Conveyances and fraudulent Incumbrances, and not only themſelves but their whole Families thereby utterly ruined: **For Remedy whereof, may it pleaſe Your moſt Excellent Majeſty** (at the humble Requeſt of the Juſtices of the Peace, Gentlemen, and Freeholders of the ſaid North Riding) **that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That a Memorial of all Deeds and Conveyances, which from and after the Twenty ninth Day of** September, **which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix, ſhall be made and executed, and of all Wills and Deviſes in Writing made or to be made, and publiſhed, where the Deviſor or Teſtatrix ſhall die after the ſaid Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſix, and of all Judgements, Statutes, and Recognizances** (other than ſuch as ſhall be entered into in the Name and upon the proper Account of His Majeſty, His Heirs, and Succeſſors) **which ſhall be obtained or entered into after the ſaid Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſix, of or concerning, or whereby any Honors, Manors, Lands, Tenements, or Hereditaments, in the ſaid** North Riding, **may be any way affected in Law or Equity, may be regiſtered in ſuch Manner as is herein after directed; and that every ſuch Deed or Conveyance, Judgement, Statute, or Recognizance, that ſhall at any Time after the ſaid Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſix, be made and executed, obtained, or entered into, ſhall be adjudged fraudulent and void againſt any ſubſequent Purchaſer or Mortgagee, Plaintiff or Cogniſee, for or upon valuable Conſideration, unleſs ſuch Memorial thereof be regiſtered, as by this Act is directed, before the regiſtring of the Memorial of the Deed or Conveyance, Judgement, Statute, or Recognizance, under which ſuch ſubſequent Purchaſer or Mortgagee, Plaintiff or Cogniſee, ſhall claim; and that every ſuch Deviſe by Will ſhall be adjudged fraudulent and void againſt any ſubſequent Purchaſer or Mortgagee, Plaintiff or Cogniſee, for or upon valuable Conſideration, unleſs a Memorial of ſuch Will be regiſtered in ſuch Manner as is hereinafter directed.**

After 29 *Sept.* 1736, a Memorial of all Deeds, Conveyances, Wills, *&c.* affecting Lands, to be regiſtred,

or ſhall be adjudged fraudulent.

II. **And for the better ſettling and eſtabliſhing a certain Method, with proper Rules and Directions, for regiſtring ſuch Memorials as aforeſaid; be it further enacted by the Authority aforeſaid, That one publick Office for regiſtring ſuch Memorials of and concerning any Honors, Manors, Lands, Tenements, and Hereditaments, that are ſituate, lying, and being within the ſaid** North Riding, **ſhall be erected and eſtabliſhed at ſuch Market Town, as the Juſtices of the Peace, or the major Part of them, aſſembled at their General Quarter Seſſions in and for the ſaid** North Riding, **which ſhall be held at** Northallerton, **on the Seventeenth Day of** July, **One thouſand ſeven hundred and thirty five, ſhall agree and adjudge to be the neareſt Market Town to the Center or Middle of the ſaid** North Riding, **to be managed and executed by a fit and able Perſon to be from time to time elected and appointed in Manner herein after directed, or his ſufficient Deputy, and to continue in the ſaid Office for ſo long Time as he ſhall well demean himſelf therein.**

How and where the Place of Regiſter Office ſhall be appointed.

III. **Provided, and be it further enacted, That the Coſts and Charges of procuring and paſſing of this Act of Parliament, and in erecting and eſtabliſhing of the ſaid publick Regiſter**

giſter Office, ſhall be at the publick Charge of the ſaid North Riding; which Coſts, Charges, and Expences, ſhall be raiſed by the Juſtices of the Peace of the ſaid North Riding at their General Quarter Seſſions of the Peace, in ſuch Manner as they are impowered to raiſe Money for Repairs of Publick or County Bridges. The Charges of this Act, and of eſtabliſhing the ſaid Office, how to be paid.

IV. And be it further enacted by the Authority aforeſaid, That all Elections of a Regiſter, to be made or appointed by virtue of this Act, ſhall be performed by balloting in Manner following; that is to ſay, All the Freeholders of the Age of One and twenty Years, that at the Time of any ſuch Election have an Eſtate of Freehold of or in any Lands, Tenements, or Hereditaments, within the ſaid North Riding, of the yearly Value of One hundred Pounds, to be determined by the Oath of the Elector, or ſolemn Affirmation of ſuch Elector being of the Perſuaſion of the People called Quakers, before the Scrutators herein after mentioned, if any Doubt ariſe touching the ſame (which Oath and ſolemn Affirmation they are hereby impowered to adminiſter) ſhall be Electors of the ſaid Regiſter; and that the Juſtices of the Peace for the ſaid North Riding, in that Behalf aſſembled, or the major Part of them, or any Five of ſuch Juſtices to be appointed by ſuch major Part, ſhall be Scrutators of the Ballot; who ſhall meet on the Day and Place of Election, and there in the Preſence of the Electors ſhall place One or more Glaſs Veſſel or Veſſels, to be provided for that Purpoſe, into which each Elector preſent ſhall put One open Paper, containing the Name of ſuch Perſon as he approves of to be Regiſter; which Papers ſhall be taken out again in the Preſence of the ſaid Scrutators, by a Perſon by them in that Behalf appointed, and the Name or Names of every Perſon therein ſhall be once tranſcribed in diſtinct Columns, and under each Name ſhall be ſet down the Number of their Electors, which ſhall be deliberately caſt up by the ſaid Scrutators, and the ſame ſhall be read over in the Hearing, and ſhewed up in the View, of the Electors then preſent; and the Perſon upon whom the Majority ſhall fall ſhall be declared Regiſter. The Form of electing the Regiſter.

V. And be it further enacted, That the Election of a Perſon to be the firſt Regiſter ſhall be made at Northallerton aforeſaid, upon the Eighteenth Day of July, One thouſand ſeven hundred and thirty five, in open Court, between the Hours of Eight in the Morning and Six in the Afternoon. The Time and Place of chooſing the firſt Regiſter.

VI. And be it further enacted by the Authority aforeſaid, That when and as often as the ſaid Office ſhall become vacant by the Death, Forfeiture, or Surrender of any ſuch Regiſter, the Juſtices of the Peace for the ſaid North Riding, aſſembled at the General Quarter Seſſions of the Peace next after ſuch Vacancy ſhall happen, or the major Part of them, ſhall in open Court declare the ſaid Vacancy; and by Order of the ſame Seſſions ſhall appoint and prefix a certain Day and Time within the Space of One Kalendar Month, and not leſs than Three Weeks, enſuing the End of ſuch General Quarter Seſſions, for the Electors to aſſemble at ſuch Place where the Office ſhall be erected as aforeſaid, to chooſe a fit and able Perſon in the Manner aforeſaid, to ſupply the ſaid Vacancy; and that all Perſons qualified to be Electors may have due Notice of ſuch Vacancy, and Time of Election of a ſucceeding Regiſter, the Clerk of the Peace for the time being for the ſaid North Riding ſhall forthwith cauſe Copies of ſuch Order, for the prefixing the Time of ſuch Election, to be delivered to the reſpective Chief Conſtables of the ſeveral Wapentakes within the ſaid North Riding, who ſhall, and are hereby required to publiſh the ſame in full Market, in every Market Town within their reſpective Wapentakes, on the next Market Day after the Receipt thereof, and to affix the ſame in the moſt publick Place of Reſort there. The Election of future Regiſters.

VII. And be it further enacted, That every ſuch Regiſter, before he enter upon the Execution of the ſaid Office, ſhall be ſworn before the Juſtices of the Peace for the ſaid Riding, or any Three or more of them, that ſhall be preſent at his Election, who are hereby impowered and required to adminiſter ſuch Oath in the Words following:

YOU ſhall truly and faithfully perform and execute the Office and Duty, that is directed and required by you to be done by Act of Parliament, intituled, *An Act for the publick regiſtring of all Deeds, Conveyances, Wills, and other Incumbrances, that ſhall be made of, or that may affect, any Honors, Manors, Lands, Tenements, or Hereditaments, within the* North Riding *of the County of* York, *after the Nine and twentieth Day of* September, *One thouſand ſeven hundred and thirty ſix*; and that you have not given or promiſed, directly or indirectly, nor authorized any Perſon to give or promiſe, any Money, Gratuity, or Reward whatſoever, for procuring or obtaining the ſaid Office for you. *So help you God.* The Regiſter's Oath.

VIII. And that when and as often as the ſaid Regiſter ſhall appoint any Deputy to execute the ſaid Office, ſuch Deputy ſhall, before he enter upon the Execution thereof, take the ſaid Oath appointed to be taken by the ſaid Regiſter, before Two or more of the Juſtices of the Peace for the ſaid Riding, who are hereby impowered and required to adminiſter ſuch Oath. Regiſter's Deputy to take the ſaid Oath.

IX. And be it further enacted, That upon the Death of any ſuch Regiſter, and until another Election of a fit Perſon to execute that Office ſhall be made in the Manner aforeſaid, the Executors and Adminiſtrators of the Regiſter deceaſed, together with the Sureties for the ſaid Regiſter, or their Executors and Adminiſtrators, ſhall appoint a proper Perſon to execute the Office of Regiſter, for whoſe Demeanor in the Execution of the ſaid Office the Security given for ſuch Regiſter deceaſed ſhall be anſwerable. How the Office of Regiſter is to be executed, during a Vacancy.

X. And be it further enacted, That the Perſon to be appointed as aforeſaid, upon the Death of any Regiſter, to execute the ſaid Office, during the Time the ſame ſhall be vacant as aforeſaid, ſhall, before he enter upon the Execution thereof, take the Oath herein before appointed to be taken by ſuch Regiſter and his Deputy, before Two or more Juſtices of the Peace for the ſaid Riding (who are hereby impowered to adminiſter the ſame Oath) and that if ſuch Perſon ſo appointed ſhall be lawfully convicted of any Neglect, Miſdemeanor, or fraudulent Practice, in the Execution of the ſaid Office, during ſuch Vacancy, he ſhall be liable to pay treble Damages, with full Coſts of Suit, to every Perſon that ſhall be injured thereby, to be recovered as is herein after directed. Penalty on Miſdemeanor of the Perſon acting during ſuch Vacancy.

The Method of registring.

XI. And be it further enacted by the Authority aforesaid, That all and every Memorial of Deeds, Conveyances, and Wills, so to be entred and registred, shall be put into Writing in Vellum or Parchment, and brought to the said Office, and, in case of Deeds and Conveyances, shall be under the Hand and Seal of some or one of the Grantors, or some or one of the Grantees, his, her, or their Heirs, Executors, or Administrators, Guardians, or Trustees, attested by Two Witnesses to the Execution of such Deed or Conveyance, which Witness shall upon his Oath, or being a Quaker on his solemn Affirmation, before the said Register or his Deputy, prove the signing and sealing of such Memorial, and the Execution of the Deed or Conveyance mentioned in such Memorial (or else the Persons so signing and sealing the same Memorial as aforesaid, or one of them, shall, before the said Register or his Deputy, acknowledge his or their signing and sealing of the said Memorial, and the Execution of the Deed or Conveyance mentioned in such Memorial) and in case of Wills, the Memorial shall be under the Hand and Seal of some or one of the Devisees, his or their Heirs, Executors, or Administrators, Guardians, or Trustees, attested by Two Witnesses, one whereof shall, upon his Oath, or being a Quaker on his solemn Affirmation, before the said Register or his Deputy, prove the signiug and sealing of such Memorial, or the same shall be acknowledged in like Manner before the said Register or his Deputy, by the Persons so signing and sealing the same Memorial as aforesaid, or one of them (which respective Oaths and Affirmations the said Register or his Deputy is hereby impowered to administer) and the said Register or his Deputy is hereby also impowered to take the said respective Acknowledgements as aforesaid, and shall enter a Memorandum of the taking the same respectively upon the said respective Memorials with the time when the same was so taken; and the said Memorandum shall be signed by the said Register or his Deputy, and also by the Party so acknowledging the same respectively.

Sic in record.

The Contents of the Memorials to be registred.

XII. And be it further enacted, That every Memorial of any Deed, Conveyance, or Will, shall contain the Day of the Month and the Year when such Deed, Conveyance, or Will bears Date, and the Names and Additions of all the Parties to such Deed or Conveyance, and of the Devisor or Testatrix of such Will, and of all the Witnesses to such Deed, Conveyance, or Will, and the Places of their Abode, and shall express or mention the Honors, Manors, Lands, Tenements, and Hereditaments, contained in such Deed, Conveyance, or Will, and the Names of all the Parishes, Townships, Hamlets, Precincts, or Extraparochial Places, within the said North Riding, where any such Honors, Manors, Lands, Tenements, or Hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such Deed, Conveyance, or Will, in such Manner as the same are expressed or mentioned in such Deed, Conveyance, or Will, or to the same Effect; and that every such Deed, Conveyance, and Will, or Probate of the same, of which such Memorial is so to be registred, as aforesaid, shall be produced to the said Register or his Deputy at the time of entring such Memorial, who shall indorse a Certificate on every such Deed, Conveyance, and Will, or Probate thereof, and therein mention the certain Day, Hour, and Time, on which such Memorial is so entred or registred, expressing also in what Book, Page, and Number, the same is entred, and that the said Register or his Deputy shall sign the said Certificate so indorsed (which Certificate shall be taken and allowed as Evidence of such respective Registries in all Courts of Record whatsoever) and that every Page of such Register Books, and every Memorial that shall be entred therein, shall be numbred, and the Day of the Month, and the Year, and the Hour or Time of the Day, when every Memorial is registred, shall be entred in the Margin of the said Register Books, and of the said Memorial; and that every such Register shall keep an Alphabetical Kalendar of all Parishes, Extraparochial Places, and Townships, within the said North Riding, with Reference to the Number of every Memorial that concerns the Honors, Manors, Lands, Tenements, or Hereditaments in every such Parish, Extraparochial Place, or Townships respectively, and of the Names of the Parties mentioned in such Memorials.

The Certificate of registring

On what Condition such Certificate shall be granted.

XIII. And be it further enacted by the Authority aforesaid, That a Memorial of such Deeds, Conveyances, and Wills, as shall be made and executed in any Place not within Forty Miles of the said publick Register Office, which do or may concern or affect any Honors, Manors, Lands, Tenements, or Hereditaments, in the said North Riding, shall be entred or registred by the aforesaid Register or his Deputy, in case an Affidavit sworn, or a solemn Affirmation of a Person of the Persuasion of the People called Quakers made in Writing, before One of the Judges at Westminster, or a Master in Chancery, Ordinary or Extraordinary, be brought with the said Memorial to the said Register, or his Deputy, wherein one of the Witnesses to the Execution of such Deeds and Conveyances shall swear, or being a Quaker shall affirm, that he or she saw the same executed, and the Memorial signed and sealed as aforesaid, or wherein one of the Witnesses to the Memorial of any Will shall swear, or being a Quaker shall affirm, that he or she saw such Memorial signed and sealed as aforesaid; and the same shall be a sufficient Authority to the said Register, or his Deputy, to give the Party that brings such Memorial and Affidavit, or Affirmation, a Certificate of the Registring such Memorial, which Certificate signed by the said Register, or his Deputy, shall be taken and allowed as Evidence of the Registries of the same Memorials, in all Courts of Record whatsoever; any thing in this Act to the contrary thereof contained in any wise notwithstanding.

In case of several Writings, the Particulars may be only mentioned once.

XIV. Provided always, and be it enacted, That where there are more Writings than one for making and perfecting any Conveyance or Security, which do name, mention, or any Ways affect or concern, the same Honors, Manors, Lands, Tenements, or Hereditaments, it shall be a sufficient Memorial and Register thereof, if all the same Manors, Lands, Tenements, and Hereditaments, and the Parishes, Townships, Hamlets, or Extraparochial Places, wherein the same lie, be only once named or mentioned in the Memorial, Register, and Certificate of any One of the Deeds or Writings made for the perfecting of such Conveyance or Security; and the Dates of the rest of the said Deeds or Writings relating to the said Conveyance or Security, with the Names and Additions of the Parties and Witnesses, and the Places of their Abodes, be only set down in the Memorials, Registers, and Certificates of the same, with a Reference to the Deed or Writing whereof the Memorial is so registred, that

contains

contains or expresses the Parcels mentioned in all the said Deeds, and Directions how to find the Registring the same.

Memorials of Wills.

XV. Provided also, and it is hereby enacted, That all Memorials of Wills, that shall be registred in Manner as aforesaid, within the Space of Six Months after the Death of every respective Devisor or Testatrix dying within the Kingdom of Great Britain, or within the Space of Three Years after the Death of every respective Devisor or Testatrix, dying upon or in any Parts beyond the Seas, shall be as valid and effectual against subsequent Purchasers, Judgments, Statutes, and Recognizances, as if the same had been registred immediately after the Death of such respective Devisor or Testatrix, any thing herein contained to the contrary thereof in any wise notwithstanding.

Wills contested.

XVI. Provided always, That in case the Devisee, or Person or Persons interested in the Honors, Manors, Lands, Tenements, or Hereditaments, devised by any such Will, as aforesaid, by reason of the contesting such Will, or other inevitable Difficulty, without his, her, or their wilful Neglect or Default, shall be disabled to exhibit a Memorial for the Registry thereof within the respective Times herein before limited; and that a Memorial shall be entred in the said Office, of such Contest or Impediment, within the Space of Six Months after the Decease of such Devisor or Testatrix, who shall die within the Kingdom of Great Britain, or within the Space of Three Years next after the Decease of such Person, who shall die upon or beyond the Seas, then, and in such Case, the Registry of the Memorial of such Will within the Space of Six Months next after his, her, or their Attainment of such Will, or a Probate thereof, or Removal of the Impediment whereby he, she, or they are disabled or hindred to exhibit such Memorial, shall be a sufficient Registry within the Meaning of this Act, any thing herein contained to the contrary thereof in any wise notwithstanding.

Concealment of Wills.

XVII. Provided nevertheless, That in Case of any Concealment or Suppression of any Will or Debile, no Purchaser or Purchasers, for valuable Consideration, shall be defeated or disturbed in his or their Purchase, nor any Plaintiff in any Judgement, or Cognisee of any Statute or Recognizance, shall be defeated of his or their Debts, by any Title made or devised by such Will, unless the Will be actually registred within Three Years after the Death of the Devisor or Testatrix.

Memorials of Judgments,

XVIII. And be it further enacted by the Authority aforesaid, That all and every Memorials of Judgments, Statutes, and Recognizances, so to be entred and registred at the said Register Office as aforesaid, shall be in Writing, and express and contain, in Case of such Judgment, the Names of the Plaintiffs, and the Names and Additions therein of the Defendants, the Sums thereby recovered, and the Time of the signing thereof; and in Case of Statutes and Recognizances, the Date of such Statute or Recognizance, the Names and Additions of the Cognisors and Cognisees therein, and for what Sums, and before whom the same were acknowledged; and that in Order to the making an Entry of such Memorials of Judgements, Statutes, and Recognizances, as aforesaid, the Party and Parties desiring the same shall produce to, and leave with, the said Register or his Deputy, to be filed in the said Publick or Register Office, a Memorial of such Judgement, Statute, or Recognizance, signed by the proper Officer or his Deputy, who shall sign such Judgement, or his Successor in the same Office, or by the proper Officer in whose Office such Statute or Recognizance shall be inrolled, together with an Affidavit sworn, or solemn Affirmation in Writing of a Person of the Persuasion of the People called Quakers, made before One of the Judges at Westminster, or a Master in Chancery, that such Memorial was duly signed by the Officer, whose Name shall appear to be thereunto set; which Memorial such respective Officer is hereby required to give such Plaintiff or Plaintiffs, Cognisee or Cognisees, or his, her, or their Executors or Administrators, or Attorney, or any of them, he, she, or they paying for the same One Shilling, and no more.

Statutes, and Recognizances.

Fee.

Method of registring,

XIX. And be it further enacted, That the said Register, or his Deputy, shall make an Entry, and likewise (if required) shall give a Certificate in Writing under his Hand, testified by Two credible Witnesses, of every such Memorial of any Judgment, Statute, or Recognizance, brought to him to be so registred, as aforesaid; and in such Book wherein such Memorial shall be entred, and also in such Certificate to be so given, shall mention the certain Day and Hour, or Time of that Day, on which such Memorial is so registred or entred; and in such Certificate shall mention in what Book, Page, and Number, the same Memorial is entred.

and filing.

XX. And be it further enacted, That such Register shall duly file every such Memorial of Deeds, Conveyances, Wills, Judgements, Statutes, and Recognizances, in Order of Time, as the same shall be brought to the said Register Office, and shall enter or register the same Memorials in the same Order that they shall respectively come to his Hands.

Recital of the Act 27 *H.* 8. *cap.* 16.

XXI. And whereas, by an Act of Parliament made in the Twenty seventh Year of the Reign of King *Henry* the Eighth, intituled, *For Inrolments of Bargains and Sales*, it is enacted, That no Manors, Lands, Tenements, or other Hereditaments, shall pass, alter, or change from one to another, whereby any Estate of Inheritance or Freehold shall be made, or take Effect, in any Person or Persons, or any Use thereof to be made by reason only of any Bargain and Sale thereof; except the said Bargain and Sale be made by Writing, indented, sealed, and inrolled in One of the King's Courts of Record at *Westminster*, or else within the same County or Counties where the same Manors, Lands, Tenements, or Hereditaments so bargained and sold lie, or before the *Custos Rotulorum*, and Two Justices of the Peace, and the Clerk of the Peace of the same County or Counties, or Two of them at the least, whereof the Clerk of the Peace to be one; which Act hath been found by Experience to be of little or no use within the said *North Riding*, for that the Clerk of the Peace thereof for the time being, who hath the keeping of the said Inrolments within the said *North Riding*, is not by the said Act enjoined to give any Security for the safe keeping, nor under any Penalty for the negligent keeping, of the said Inrolments, nor is any Place by the said Act appointed for keeping thereof: And whereas by this present Act a publick Office is intended to be erected and established, as aforesaid, at the publick Charge of the said *North Riding*, for registring and safe keeping Memorials of all Deeds and Conveyances, as aforesaid, and a publick Register to be chosen, who, according to the Directions herein after mentioned, is to give sufficient Security for the due Execution of the said Office; for rendring therefore

therefore the ſaid Act made in the Twenty ſeventh Year of the Reign of King Henry the Eighth more effectual and beneficial to the Inhabitants of the ſaid North Riding, be it further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of September, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, all Bargains and Sales of any Manors, Lands, Tenements, and Hereditaments, ſituate, lying, and being within the ſaid North Riding, which ſhall be inrolled by the ſaid Regiſter or his Deputy for the time being, in the ſaid publick Office, ſhall be as good, effectual, and available to all Intents and Purpoſes whatſoever, as if the ſame had been inrolled in one of the King's Courts of Record at Weſtminſter, or before the Cuſtos Rotulorum, and Two Juſtices of the Peace, and the Clerk of the Peace for the ſaid North Riding, or Two of them, according to the aforeſaid Act made in the Twenty ſeventh Year of the Reign of King Henry the Eighth, or any other Act now in Force; and one or more Juſtice or Juſtices of the Peace of the ſaid Riding, for the time being, ſhall have Power to take and enter the Acknowledgment of the Bargainer, if but one, or of one of the Bargainers, if more, in ſuch Bargains and Sales; and the ſaid Regiſter, or his Deputy for the time being, ſhall well and ſufficiently inroll, by ingroſſing in Parchment Books, all ſuch Bargains and Sales as ſhall for that Purpoſe be acknowledged as aforeſaid, and ſhall indorſe a Certificate on ſuch Bargains and Sales of the Times of inrolling thereof, and ſign the ſame, and the Books thereof ſhall ſafely keep in the ſaid publick Office, there to remain upon Record amongſt the Memorials of Deeds there regiſtred. And be it further enacted, That all Deeds of Bargain and Sale ſo inrolled in the ſaid publick or Regiſter Office, as aforeſaid, which ſhall appear to be ſo inrolled by an Indorſement or Certificate on the ſaid Deeds of Bargain and Sale, ſigned by the ſaid Regiſter, or his Deputy, and all Copies of the Inrolments thereof remaining on Record in the ſaid Regiſter Office, ſhall be produced, to be as good and ſufficient Evidence, as any Bargains and Sales inrolled in any of the Courts at Weſtminſter, and the Copies of the Inrolments thereof.

Bargains and Sales of Lands inrolled by the ſaid Regiſter, as effectual as if inrolled according to the ſaid Act.

The Copies of Deeds ſo inrolled, good Evidence.

XXII. And whereas Deeds have been often deſtroyed by Fire and other Accidents, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, any Perſon or Perſons having or claiming Title to any Honors, Manors, Lands, Tenements, or Hereditaments, in the ſaid North Riding, may regiſter, at full Length, in the ſaid Regiſter Office, all, and every, or any the Deeds, Writings, Wills, or Conveyances, by or under which ſuch Title ſhall be claimed, and which ſhall be made and executed, or ſigned and publiſhed, and in the Caſe of Wills where the Deviſor or Teſtatrix ſhall die, after the ſaid Twenty ninth Day of September, in the Year of our Lord One thouſand ſeven hundred and thirty ſix; and the ſaid Regiſter, or his Deputy, is hereby authorized to enter and inroll all ſuch Deeds, Writings, Wills, and Conveyances, as ſhall be ſo brought to be regiſtred, at full Length, by ingroſſing them in Parchment Books; and the ſaid Regiſter, or his Deputy, ſhall, in the Margin of every ſuch Entry and Inrolment, mention the Time of ſuch Entry and Inrolment, and ſhall indorſe and ſign a Certificate on ſuch Deed, Conveyance, or Will, in Manner as is by this Act directed, where a Memorial is entred, and ſhall ſafely keep all and every the Books, wherein ſuch Entries and Inrolments ſhall be made, in the ſaid publick Office, there to remain upon Record, and all Copies of ſuch Entries and Inrolments of ſuch Deeds, Writings, Wills, and Conveyances, ſo regiſtred at full Length, and which Copies ſhall be ſigned by the ſaid Regiſter, or his Deputy, and atteſted by Two or more Witneſſes, ſhall be allowed in all Courts of Record, to be good and ſufficient Evidence of ſuch Deeds, Writings, Wills, or Conveyances ſo regiſtred, and deſtroyed by Fire or other Accident.

The regiſtring of Writings at full Length.

XXIII. And be it enacted by the Authority aforeſaid, That at the Time any Deed, Conveyance, or Will, made and executed, or ſigned and publiſhed, after the Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, ſhall be brought to the ſaid Regiſter's Office to be regiſtred or inrolled at full Length, One of the Witneſſes to the Execution of ſuch Deed or Conveyance, or to the ſigning and publiſhing ſuch Will, ſhall make Oath, or being one of the People called Quakers take his ſolemn Affirmation, before the ſaid Regiſter, or his Deputy, that ſuch Deed or Conveyance was duly executed by the Grantor or Grantors, or that ſuch Will was ſigned and publiſhed by the Deviſor or Teſtatrix, which reſpective Oaths and Affirmations the ſaid Regiſter, or his Deputy, is required and impowered to adminiſter.

What Teſtimony neceſſary before Inrolment,

XXIV. Provided always, That ſuch Deeds, Conveyances, and Wills, as ſhall be made and executed in any Place, not within Forty Miles of the ſaid Office, may be entred and regiſtred at full Length, by the aforeſaid Regiſter, or his Deputy, in caſe an Affidavit ſworn, or a ſolemn Affirmation of a Perſon of the Perſuaſion of the People called Quakers, made in Writing, before One of the Judges at Weſtminſter, or a Maſter in Chancery, Ordinary or Extraordinary, be brought with ſuch Deed, Conveyance, or Will, wherein One of the Witneſſes to the Execution of ſuch Deed or Conveyance, or to the ſigning or publiſhing ſuch Will, ſhall ſwear or affirm, That he or ſhe ſaw the ſaid Deeds executed, or, in caſe of Wills, ſuch Will ſigned and publiſhed by the Deviſor or Teſtatrix.

and what, if 40 Miles from the ſaid Office.

XXV. And be it further enacted, That every ſuch Inrolment of every ſuch Deed of Bargain and Sale, and Regiſtry at full Length, of ſuch Deeds, Writings, Conveyances, and Wills in the ſaid Regiſter Office, as aforeſaid, ſhall be deemed and adjudged to be the Entry of a Memorial thereof, purſuant to this Act, and ſhall have the ſame Force and Effect upon the Eſtate therein mentioned, in relation to all ſubſequent Deeds, Conveyances, and Wills, and to all other Intents and Purpoſes, as if a Memorial of ſuch inrolled Deed or Deeds, Writing, Conveyance, or Will, ſo regiſtred at full Length, had been entred in the ſaid Regiſter Office as aforeſaid, purſuant to the ſaid Act, and the Certificate ſigned and indorſed on ſuch Deeds of Bargain and Sale ſo inrolled, or on ſuch Deeds, Conveyances, or Wills regiſtred at full Length, ſhall

Inrolments at full Length to be deemed the Entry of a Memorial.

be taken and allowed as Evidence of such Inrolments or Registries in all Courts of Record whatsoever.

Register's Fees,

XXVI. And be it further enacted, That every such Register shall be allowed for the Entry of every such Memorial, as is by this Act directed, the Sum of One Shilling and no more, in case the same do not exceed Two hundred Words, but if such Memorial shall exceed Two hundred Words, then after the Rate and Proportion of Four Pence an Hundred for all the Words contained in such Memorial over and above the first Two hundred Words; and the like Fees for the like Number of Words contained in every such Bargain and Sale inrolled, and Deeds, Writings, Conveyances, and Wills registred at full Length, as aforesaid, and in every Certificate or Copy given out of the said Office, and no more; and for every Search in the said Office One Shilling, and no more.

and Attendance.

XXVII. And be it further enacted by the Authority aforesaid, That every such Register, or his sufficient Deputy, shall give due Attendance at his Office every Day in the Week except Sundays and Holidays, between the Hours of Nine and Twelve in the Forenoon, and the Hours of Two and Five in the Afternoon, for the Dispatch of all Business belonging to the said Office, and that every such Register, or his Deputy, as often as required, shall make Searches concerning all Memorials that are registred, Deeds of Bargain and Sale inrolled, and Deeds, Writings, Conveyances, and Wills so registred at full Length as aforesaid, and give Certificates concerning the same under his Hand, if required by any Person, testified by Two credible Witnesses.

Register to give 2000 *l.* Security.

XXVIII. And be it further enacted by the Authority aforesaid, That every Register, at the Time of his being sworn into the said Office as aforesaid, shall enter into a Recognizance with Two or more sufficient Sureties, to be approved of by Five or more of the Justices of the Peace of the said Riding, that were present at his Election, by Writing under their Hands and Seals, to be registred at the next General Quarter Sessions of the Peace for the said Riding, of the Penalty of Two thousand Pounds, unto His Majesty, His Heirs, and Successors, to be taken by the same Justices of the Peace that approved of his Security, conditioned for his true and faithful Performance of his Duty in the Execution of his said Office, in all Things directed and required by this Act, the same to be transmitted by the same Justices of the Peace, within one Month next after the Date thereof, into the Office of His Majesty's Remembrancer of the Exchequer, there to remain amongst the Records of the said Court.

Penalty on Register for Neglect of Duty,

XXIX. And be it further enacted, That if any such Register, or his Deputy, shall neglect to perform his or their Duty in the Execution of the said Office, according to the Rules and Directions in this Act mentioned, or commit or suffer to be committed any undue or fraudulent Practice in the Execution of the said Office, and be thereof lawfully convicted, then such Register shall forfeit his said Office, and pay treble Damages with full Costs of Suit, to every such Person or Persons as shall be injured thereby, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, Privilege, or Wager of Law shall be allowed, nor any more than one Imparlance.

Register's Security when to be vacated.

XXX. Provided nevertheless, and be it further enacted by the Authority aforesaid, That when any Register shall die, or surrender his Office, and there shall, within the Space of Three Years from and after such Death or Surrender, no Misbehaviour appear to have been committed by such Register in the Execution of his said Office, then and in such Case, at the End of the said Three Years after his Death or Surrender, the said Recognizance so entred into by him, shall become void and of none Effect, to all Intents and Purposes whatsoever.

Penalty on Forgery,

XXXI. And be it further enacted, That if any Person or Persons shall at any Time forge or counterfeit any Entry of the Acknowledgment of any Bargainer in such Bargain and Sale as aforesaid, or any such Memorial, Certificate, or Indorsement, as is herein mentioned or directed, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to such Pains and Penalties as in and by an Act made in the Fifth Year of Queen Elizabeth, intituled, An Act against Forgery of false Deeds and Writings, are imposed upon Persons for forging and publishing false Deeds, Charters, or Writings sealed, Court Rolls, or Wills, whereby the Freehold or Inheritance of any Person or Persons of, in, or to any Lands, Tenements, and Hereditaments, shall or may be molested, troubled, or charged; and that if any Person or Persons shall at any Time forswear himself, or, being a Quaker, shall falsly, maliciously, and corruptly affirm, before the said Register, or his Deputy, or before any Judge or Master in Chancery, in any of the Cases herein mentioned, and be thereof lawfully convicted, such Person or Persons shall incur and be liable to the same Penalties, as if the same Oath had been made in any of the Courts of Record at Westminster.

and Perjury.

Certificates of Mortgages discharged how to be registred.

XXXII. And be it further enacted by the Authority aforesaid, That in case of Mortgages, Judgements, Statutes, and Recognizances, whereof Memorials shall be entred in the said Register Office, or in case of Mortgages, where the Mortgage Deed shall be registred at full Length, pursuant to this Act, if at any Time afterwards a Certificate shall be brought to the said Register, or his Deputy, signed by the Mortgagees in such Mortgage, Plaintiffs in such Judgement, Cognisees in such Statute or Recognizance, their respective Executors, Administrators, or Assigns, and attested by Two Witnesses, whereby it shall appear, that all Monies due upon such Mortgage, Judgement, Statute, or Recognizance respectively, have been paid or satisfied in Discharge thereof (which Witnesses shall upon their Oath, before any One of the Judges of His Majesty's Courts of King's Bench, or Common Pleas, or any One of the Barons of the Court of Exchequer, or before any One of the Masters of the Court of Chancery, or before the said Register, or his Deputy, who are hereby respectively impowered to administer such Oath, prove such Monies to be satisfied or paid accordingly, and that they saw such Certificate signed by the said Mortgagees, Plaintiffs, or Cognisees, their respective Executors, Administrators, or Assigns) that then, and in every such Case the said Register,

Register, or his Deputy, shall make an Entry in the Margin of the said Register Books against the Registry of the Memorial of such Mortgage, Judgement, Statute, or Recognizance, or against such Deed registred at full Length respectively, that such Mortgage, Judgement, Statute, or Recognizance respectively, was satisfied and discharged according to such Certificate to which the same Entry shall refer, and shall after file such Certificate to remain upon Record, in the said Register Office.

Judgements, &c. registred in 20 Days after signing, good.

XXXIII. Provided nevertheless, and be it enacted, That if any Judgement, Statute, or Recognizance be registred in the said Register Office, within Twenty Days after the Acknowledgment or Signing thereof, all the Lands that the Defendants or Cognisees had, at the Time of such Acknowledgment or Signing, shall be bound thereby; and the Registry of a Memorial of such Judgement, Statute, or Recognizance, within the Time aforesaid, shall be as available to all Intents and Purposes, as if such Memorial thereof had been entred in the said Register Office on the Day of the Signing or Acknowledgment of such Judgement, Statute, or Recognizance.

This Act not to extend to Copyhold Estates, &c.

XXXIV. Provided always, and be it further enacted, That this Act shall not extend to any Copyhold Estates, or to any Leases at a Rack Rent, or to any Lease not exceeding One and twenty Years, where the actual Possession and Occupation goeth along with the Lease; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Deeds of Bargain and Sale of Estates in Fee-simple.

XXXV. And be it further enacted by the Authority aforesaid, That in all Deeds of Bargain and Sale hereafter inrolled in pursuance of this Act, whereby an Estate of Inheritance in Fee-simple is limited to the Bargainee and his Heirs, the Words grant, bargain, and sell shall amount to, and be construed and adjudged in all Courts of Judicature to be, express Covenants to the Bargainee, his Heirs, and Assigns, from the Bargainor, for himself, his Heirs, Executors, and Administrators, that the Bargainor, notwithstanding any Act done by him, was at the Time of the Execution of such Deed seised of the Hereditaments and Premisses thereby granted, bargained, and sold, of an indefeazable Estate in Fee-simple, free from all Incumbrances (Rents and Services due to the Lord of the Fee only excepted) and for quiet Enjoyment thereof against the Bargainor, his Heirs, and Assigns, and all claiming under him, and also for further Assurance thereof to be made by the Bargainor, his Heirs, and Assigns, and all claiming under him, unless the same shall be restrained and limited by express particular Words contained in such Deed; and that the Bargainee, his Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Bargain and Sale.

Every Leaf of the Register to be signed by Two Justices, and entred by the Clerk of the Peace.

XXXVI. And be it further enacted, That every Leaf of the aforesaid Register Books, and Inrolment Books, shall be signed by Two Justices of the Peace of the said Riding (to be from time to time appointed by the Justices of the Peace thereof, or the major Part of them, at their General Quarter Sessions of the Peace assembled) who are hereby required to sign the same accordingly; and that an Entry thereof shall be made from time to time, by the Clerk of the Peace of the said Riding for the time being, in the Order Book of the same Sessions, and signed by the same Justices of the Peace that shall from time to time sign the said Register Books, and Inrolment Books, to remain upon Record amongst the Records of the said Sessions; and that a like Entry shall be made upon Record, and signed as aforesaid, of the Number of the same Books, and how called or marked, and how many Pages each of them contains, that are at any Time, and from time to time used in the said Register Office.

The Register excluded from being a Member of Parliament.

XXXVII. And be it enacted by the Authority aforesaid, That no Member of Parliament for the time being shall be capable of being chose Register, or of executing by himself, or any other Person or Persons, the said Office, or to have, take, or receive any Fee or other Profit whatsoever issuing out of the said Office, or for or in respect thereof; nor shall any such Register, or his Deputy, or any Person or Persons receiving Profit out of such Office, be capable of being a Member to serve in Parliament.

Publick Act.

XXXVIII. And be it further enacted, That this Act shall be taken and allowed in all Courts in this Kingdom as a publick Act, and all Judges, Justices, and other Persons therein concerned, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. VII.

An Act for repairing and widening the Road from the Town of *Rochdale* in the County Palatine of *Lancaster*, leading over a certain Craggy Mountain called *Blackstone Edge*, in the same County, and from thence to the Towns of *Halifax* and *Ealand* in the County of *York*.

Preamble.

WHEREAS the Highways or Roads leading from *Rochdale* in the County Palatine of *Lancaster*, over a certain Craggy Mountain, called *Blackstone Edge*, in the same County, and from thence to the Towns of *Halifax* and *Ealand*, in the County of *York*, by reason of the Nature of the Soil, and the Narrowness of the Roads in several Places, and of the many and heavy Carriages frequently passing through the same, are become so exceeding deep and ruinous, that in Winter Season (and often in Summer) many Parts thereof are impassable for Waggons, Carts, and other Wheel Carriages, and very dangerous for Travellers, and cannot, by the ordinary Course and Method appointed by the Laws and Statutes of this Realm in being, be effectually mended and kept in good Repair, &c.

Certain Tolls are granted from 1 June, 1735, *for* 21 *Years.*

CAP. VIII.

An Act for enlarging the Term and Powers granted by an Act passed in the Seventh Year of the Reign of his late Majesty King *George* the First, *for repairing the Road from Saint* Giles's *Pound to* Kilbourn Bridge *in the County of* Middlesex, *and for paving that Part of the Road, called* Oxford Street.

WHEREAS

WHEREAS by an Act of Parliament passed in the Seventh Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing the Road from Saint* Giles's *Pound to* Kilbourn Bridge, *in the County of* Middlesex, several Tolls, Duties, and Powers were given and granted for repairing the said Road, which said Act was to commence from the Twenty fourth Day of *June*, One thousand seven hundred and twenty one, and from thence to continue, and be in Force for and during the Term of One and twenty Years: And whereas great Progress has been made in amending the said Road, but the Tolls and Duties granted by the said Act are so small, that the same do not raise a sufficient Sum of Money to repair and amend the same, and there remains due and owing, on the Credit of the said recited Act, the Sum of Six thousand Pounds and upwards; which said Sum cannot be discharged, and the Road effectually repaired, unless the Term, Duties, and Powers granted by the said Act be continued and enlarged, *&c.* Preamble, reciting 7 *Geo.* I.

The former Act is farther continued for 21 *Years, and to the End of the next Session of Parliament.*

CAP. IX.

An Act for continuing and making more effectual an Act passed in the First Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing the Highways through the several Parishes of Saint* Michael, *Saint* Alban, *Saint* Peter, Shenley Ridge, *and* South Mims, *in the Counties of* Hertford *and* Middlesex; and for continuing the Commissioners authorized to put the said Act in Execution.

WHEREAS by an Act made in the First Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing the Highways through the several Parishes of Saint* Michael, *Saint* Alban, *Saint* Peter, Shenley Ridge, *and* South Mims, *in the Counties of* Hertford *and* Middlesex, several Tolls and Duties were granted and made payable, and divers Powers and Authorities given for repairing the said Highways, and for putting the said Act in Execution, which said Act was to have Continuance for and during the Term of One and twenty Years, to be computed from the First Day of *September*, One thousand seven hundred and fifteen: And whereas the Trustees appointed to put the said Act in Execution have, in Pursuance of the Power thereby to them given, borrowed a considerable Sum of Money upon the Credit of the said Act, and have applied the same, together with the Tolls collected and received, according to the Direction of the said Act, and great Progress hath been made in amending the said Highways, but the same cannot be effectually repaired and kept amended, and the Money borrowed repaid, unless the Term granted by the said Act be enlarged, and the Powers thereby given continued, *&c.* Preamble, reciting 1 *G.o.* I.

The former Act is farther continued for 21 *Years, and to the End of the next Session of Parliament.*

CAP. X.

An Act for lengthening the West Pier of the Harbour of *Whitby*, in the County of *York*, and for improving the said Harbour.

WHEREAS by an Act of Parliament, made and passed in the First Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for building and repairing the Piers of the Town and Port of* Whitby *in the County of* York, reciting, that the ancient Town of *Whitby*, in the *North Riding* of the said County, Time out of mind, had had Piers which were then much ruined and decayed, for want of an Income for the Maintenance and Reparation thereof, to the great Prejudice of the Trade of the said Town and County, and of the Trade and Navigation of this Kingdom in general; and also reciting, that the Charge of rebuilding and keeping in repair the said Piers was greater than the said Town of *Whitby* of itself was able to bear; therefore, by the said Act, several Duties and Sums of Money were granted and laid upon all Ships and Vessels, and upon certain Goods and Merchandizes, therein particularly mentioned, landed within the Haven or Piers of the said Port of *Whitby*, and shipped off from *Whitby* aforesaid; and also a Duty of One Farthing *per* Chalder, on all Coals loaded at *Newcastle*, *Sunderland*, *Blyth*, *Seaton Sluice*, *Culler Coates* (as therein is also mentioned) for the Term of Nine Years, to commence from the First Day of *May*, One thousand seven hundred and two, with such Provisions for the due accounting for, and applying of the said Duties, and several other Powers, Matters, and Things relating thereto, and for keeping clear the said Harbour, in the said Act particularly mentioned and contained: And whereas by another Act of Parliament, made and passed in the Seventh Year of her said Majesty's Reign, the said recited Act, and all the Powers, Matters, and Clauses contained therein, and all the Duties and Sums of Money thereby granted and made payable, were continued and made payable, and to be in full Force and Virtue until the First Day of *May*, which should be in the Year of our Lord One thousand seven hundred and twenty three: And whereas by another Act of Parliament, made in the Seventh Year of the Reign of his late Majesty King *George*, intituled, *An Act for the better preserving and keeping in repair the Piers of the Town and Port of* Whitby, *in the County of* York, *and for explaining, and making more effectual the several Acts passed for lengthening and repairing the Piers of* Bridlington *alias* Burlington *in the said County*, reciting, amongst other Things, that by the said several Duties and Sums of Money already collected, and to be collected and received, by Virtue of the said several Acts of Parliament, the said Piers would probably be rebuilt, finished, and compleated by the said First Day of *May*, One thousand seven hundred and twenty three: To the End that the same, and also the said Harbour, from after the Expiration of the Term granted by the said last mentioned Act, should be preserved, kept, and continued in good Repair, by the said last in part recited Act of the Seventh Year of the Reign of his said late Majesty King *George*, all and every the said Duties and Sums of Money granted and imposed by the said Act of the First Year of her said late Majesty, and continued by the said Act of the Seventh Year of her Reign, as aforesaid (save and except the said Duty of One Farthing *per* Chalder) were made perpetual, and enacted to be paid to the Trustees therein named, and their Successors for ever, and several Powers, Clauses, and Penalties are, by the said Act of the Seventh Year of his said late Majesty, enacted and provided touching the Collection, Accounting for, and Application of the several Duties thereby perpetuated: And whereas by and with the said several Duties and Preamble, reciting the Acts 1 *Annæ.* c. 19. 7 *Annæ.* c. 1. Private. 7 *Geo.* I. c. 16.

Sums of Money collected and received by Virtue of the ſaid ſeveral Acts of Parliament, the ſaid Piers have been rebuilt, finiſhed, and compleated, and have been preſerved, kept, and continued in good Repair; but that nevertheleſs, for ſome Years paſt, the Entrance into the ſaid Port of *Whitby* has been rendered very narrow and difficult, by reaſon of a Bank of Sand, which is now, and for ſome time paſt has been, gathering about the Head of the Weſt Pier of the ſaid Harbour of *Whitby*, and will in Time, if not prevented, intirely ſtop and choak up the ſame; and inaſmuch as the ſaid Sand Bed, and the further Increaſe thereof, in the Judegment of underſtanding and experienced Perſons, may and can only be remedied and prevented by lengthening and extending the ſaid Weſt Pier, and the Head thereof, about One hundred Yards further into the Sea, and by no other Means: And whereas the ſaid Duty of One Farthing *per* Chalder was not continued by the ſaid Act of the Seventh Year of his ſaid late Majeſty, but expired on the ſaid Firſt Day of *May*, One thouſand ſeven hundred and twenty three, and has ever ſince totally ceaſed, and the ſaid Duties, ſo continued and made perpetual by the ſaid Act of the Seventh Year of his ſaid late Majeſty, have been and are only and barely ſufficient to keep the ſaid Piers and Harbour in good Repair: **To the End therefore that the ſaid Piers and Harbour may be improved, and made as ſecure for Colliers and coaſting Veſſels as may be, and for lengthening and extending the ſaid Weſt Pier, may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of** June, **One thouſand ſeven hundred and thirty five, the ſaid Duty of One Farthing** per **Chalder, which was granted, amongſt other Things, by the ſaid Act of the Firſt Year of the Reign of her late Majeſty Queen** Anne, **and was continued by the ſaid Act of the Seventh Year of her ſaid Majeſty's Reign, ſhall be paid by the Maſter or Owners of every Ship, that ſhall load or ſhip any Coals at the Port of** Newcaſtle **upon** Tine, **or at** Sunderland, Blyth, Seaton Sluice, Culler Coates, **or any other Harbour, Colliery, or Place that is, or is reputed to be, a Member of the ſaid Port of** Newcaſtle **upon** Tine, **to the Truſtees named in the ſaid Act of the Seventh Year of his ſaid late Majeſty's Reign, and ſuch other Perſon and Perſons, as has or have been, or ſhall hereafter be, nominated or appointed Truſtees purſuant and according to the Directions thereof, for and during and until the full End and Term of Thirty one Years, to commence and be computed from the ſaid Firſt Day of** June, **One thouſand ſeven hundred and thirty five, for the Purpoſes aforeſaid.**

The Duty of One Farthing *per* Chalder, granted by 1 *Annæ*, continued from 1 *June*, 1735, for 31 Years.

II. **And to the End the ſaid Duty of One Farthing** per **Chalder hereby granted and made payable, as aforeſaid, may, from time to time, during the ſaid Term of Thirty one Years hereby granted, be duly collected, levied, paid, and applied, for the Purpoſes aforeſaid, be it further enacted by the Authority aforeſaid, That all and every the Powers and Authorities, which by the ſaid Act of the Firſt Year of the Reign of her ſaid late Majeſty were veſted in the ſaid Truſtees therein named, and ſuch others as ſhould be nominated purſuant thereto, ſhall, from and after the ſaid Firſt Day of** June, **One thouſand ſeven hundred and thirty five, be, and the ſame and every of them are hereby veſted, and ſhall be and continue to be veſted in, and exerciſed by, the ſaid Truſtees named in the ſaid Act of the Seventh Year of his ſaid late Majeſty King** George, **and ſuch Perſon and Perſons as has and have been, or ſhall be appointed Truſtees, purſuant to the ſaid Act of the Seventh Year of his ſaid late Majeſty, touching the ſaid Duties thereby made perpetual, for and during the ſaid Term of Thirty one Years hereby granted, in as full and ample Manner, to all Intents, Conſtructions, and Purpoſes, as ſuch Powers and Authorities are, by the ſaid Act of the Firſt Year of the Reign of her ſaid late Majeſty Queen** Anne, **given to, or veſted in, the Truſtees therein named.**

The Truſtees appointed by 7 *Geo.* I. to execute this Act.

III. **And it is hereby alſo further enacted by the Authority aforeſaid, That the ſaid Act of the Firſt Year of her ſaid late Majeſty's Reign, and all and every the Clauſes, Proviſions, Penalties, Matters, and Things whatſoever, contained therein, touching the ſaid Duty of One Farthing** per **Chalder thereby granted (ſave and except as to the Powers and Authorities thereby veſted in the Truſtees therein named, and to be named purſuant thereto, and which are hereby veſted in ſuch Truſtees as aforeſaid; and ſave and except a Clauſe therein contained touching the ceaſing of the ſaid Duty on raiſing Six thouſand Pounds as therein mentioned) ſhall, from the ſaid Firſt Day of** June, **One thouſand ſeven hundred and thirty five, be revived, and be and continue to be in full Force, to all Intents, Conſtructions, and Purpoſes whatſoever, relating to the ſaid Duty of One Farthing** per **Chalder, during the ſaid Term of Thirty one Years hereby granted, as fully and amply as if the ſame were here particularly and at large repeated and re-enacted in the Body of this Act.**

The Powers granted by 1 *Annæ*, revived.

Exception.

IV. **Provided always, That the ſaid Duty of One Farthing** per **Chalder hereby granted and revived as aforeſaid, ſhall from time to time during the ſaid Term hereby granted, be applied to the Purpoſes of this Act herein before mentioned, and to and for no other Uſe, Intent, or Purpoſe whatever; any thing herein before, or in the ſaid recited Acts, or any of them, to the contrary thereof in any wiſe notwithſtanding.**

Clauſe limiting the Application of the ſaid Duty.

V. **And provided alſo, That it ſhall and may be lawful to and for the ſaid Truſtees named in the ſaid Act of the Seventh Year of the Reign of his ſaid late Majeſty, and ſuch Perſon and Perſons as has, or have been, or ſhall be named Truſtees, purſuant thereto, or the greater Number of them, for the time being, from time to time, as often as Occaſion ſhall require, during the Continuance of the ſaid Term of Thirty one Years hereby granted, by Indenture under their Hands and Seals, to mortgage the Profits or Produce of the ſaid Duty of One Farthing** per **Chalder hereby granted, or any Part thereof, to any Perſon or Perſons who ſhall lend and advance any Sum or Sums of Money, after the Rate of Five Pounds** per Centum **Intereſt; any thing herein before, or in the ſaid recited Acts, or any of them, contained to the contrary thereof in any wiſe notwithſtanding.**

The Truſtees may mortgage the Profits.

VI. And

and contract with Artificers for improving the Harbour.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful, from time to time, and at all times, during the said Term of Thirty one Years hereby granted, for the said Trustees nominated or appointed in, or in virtue or pursuance of the said Act of the Seventh Year of his late Majesty, or hereafter to be appointed pursuant thereto, or the greater Number of them, for the time being, to contract and agree with any Artificers, Masons, or other Workmen, for making and doing all and every or any of the said Work hereby proposed to be done, and also with any Person or Persons for any Stones or other Materials requisite or necessary to be used in or about the said Work.

Trustees may appoint Persons to direct the Moorings of Ships in the said Harbour.

VII. And whereas it is necessary, for the better preserving of the said Port and Piers of *Whitby*, that some Person or Persons should have Power and Authority to compel all Ships and Vessels within the same, to anchor and moor in proper Manner and Places, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, nominated or appointed by the said Act of the Seventh Year of his said late Majesty, or in pursuance thereof, and for such Person and Persons as shall at any time or times hereafter be appointed pursuant thereto, or the greater Number of them for the time being, from time to time, and at all times for ever hereafter, by any Writing under their Hands and Seals to appoint, during their Will and Pleasure, Two or more proper Person or Persons; and such Person or Persons so to be appointed are hereby authorized and impowered to order and require all and every or any Person or Persons, having Rule or Command of any Ship or Vessel within the said Port or Harbour of Whitby aforesaid, to lay, anchor, and moor the same, in such Place or Places of the said Port and Harbour, as the said Person or Persons so appointed shall order, assign, or direct for that Purpose; and in case the Person or Persons then having Rule or Command of such Ship or Vessel shall refuse or neglect so to do, he, they, and each of them, for every such Refusal or Neglect, shall forfeit any Sum or Sums of Money not less than Forty Shillings, nor exceeding Five Pounds; and the said Trustees nominated and appointed by the said Act of the said Seventh Year of the Reign of his said late Majesty, and such Person or Persons as have been, or shall hereafter be, nominated or appointed Trustees in pursuance thereof, or any Three of them for the time being, are severally authorized and impowered, by Warrant under their Hands and Seals to levy all and every or any of the said Penalty or Penalties hereby imposed, by Distress and Sale of all or any Part of the Tackle, Furniture, and Apparel of such Ship or Vessel, which shall not be anchored, moored, or laid, pursuant to such Direction or Appointment, as aforesaid, rendring the Overplus thereof to the Owner, the Charges of such Distress and Sale being first deducted.

Penalty on Masters of Vessels neglecting such Orders.

The Charges of this Act how to be paid.

VIII. And it is hereby further enacted, That it shall and may be lawful to and for the said Trustees nominated by the said Act of the Seventh Year of his late Majesty, and such Person and Persons as has or have been, or shall be nominated Trustees pursuant thereto, or the greater Number of them, for the time being, to deduct and pay the Charges and Expences of passing and obtaining this Act out of the said Duty of One Farthing per Chalder hereby granted; any thing herein before to the contrary thereof in any wise notwithstanding.

Publick Act.

IX. And lastly it is hereby enacted, That this Act shall be taken in all Courts within this Kingdom as a publick Act.

CAP. XI.

An Act for enabling His Majesty to apply the Sum of One Million out of the Sinking Fund, for the Service of the Year One thousand seven hundred and thirty five.

Preamble.

MOST Gracious Sovereign, we your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, being desirous to raise the Supply granted to your Majesty in this Session of Parliament, by Ways the least burthensome to your Majesty's Subjects, have resolved to enable your Majesty to issue and apply the Sum of One Million out of the Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund, towards the Supply granted to your Majesty for the Service of the Year One thousand seven hundred and thirty five, and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That by or out of such Monies as now are, or shall, from time to time, quarterly be in the Receipt of His Majesty's Exchequer of the said Surplusses, Excesses, or Overplus Monies, commonly called The Sinking Fund, at any Time before the Feast Day of the Annunciation of the Blessed Virgin Mary, which shall be in the Year of our Lord One thousand seven hundred and thirty six (after paying or reserving sufficient to pay all such Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same) there shall and may be issued, paid, and applied a Sum not exceeding the Sum of One Million, for or towards the Supply granted to His Majesty for the Service of the said Year One thousand seven hundred and thirty five, and the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

Treasury may issue One Million for the current Year, out of the Monies arising by *The Sinking Fund*, before 25 *March*, 1736.

But the Surplus reserved to the future Disposition of Parliament.

II. Provided always, That if on the said Feast Day of the Annunciation of the Blessed Virgin Mary, which shall be in the Year of our Lord One thousand seven hundred and thirty six, the Monies arisen from the said Surplusses, Excesses, or Overplus Monies, commonly called The Sinking Fund, shall be more than sufficient to satisfy and pay the said Sum of One Million, such Surplus Money shall be and remain in the said Re-

ceipt of Exchequer for the future Diſpoſition of Parliament, and ſhall not be iſſued but by Authority of Parliament; any thing herein contained to the contrary notwithſtanding.

III. And whereas it may ſo happen that there may be a Want of Money for carrying on the current Service of the ſaid Year One thouſand ſeven hundred and thirty five, before Monies ſufficient may have ariſen into the Exchequer from the ſaid Surpluſſes, to ſatisfy and pay the ſaid Sum of One Million by this Act granted, in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, by Warrant under their Hands, to permit and ſuffer any Perſon or Perſons, Body or Bodies Politick or Corporate, to advance and lend to His Majeſty at the Receipt of His Exchequer ſo much Money, as, together with the Monies then remaining in the ſaid Exchequer of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called The Sinking Fund, ſhall be wanting to compleat the ſaid Sum of One Million, upon Credit of the growing Produce of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, and to be repaid out of the ſame, as they ſhall quarterly afterwards ariſe, together with an Intereſt for the Forbearance thereof in the mean Time, after a Rate not exceeding Four Pounds per Centum per Annum; any thing herein before contained to the contrary notwithſtanding.

Clauſe of Loan.

CAP. XII.

An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

Preamble, reciting the Acts 5 & 6 W. & M. cap. 7.

WHEREAS by an Act of Parliament made in the Fifth and Sixth Years of the Reign of their late Majeſties King *William* and Queen *Mary*, of Glorious Memory, intituled, *An Act for granting to their Majeſties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors, for ſecuring certain Recompences and Advantages in the ſaid Act mentioned, to ſuch Perſons as ſhall voluntarily advance the Sum of Ten hundred thouſand Pounds towards carrying on the War againſt* France; it was, amongſt other Things enacted, That from and after the Twenty fifth Day of *March*, One thouſand ſix hundred and ninety four, there ſhould be throughout the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, raiſed, levied, collected, and paid unto their Majeſties, their Heirs, and Succeſſors, until the Seventeenth Day of *May* which ſhould be in the Year of our Lord One thouſand ſix hundred and ninety ſeven, for Salt, the Rates and Duties following, that is to ſay, For every Gallon of Salt, not being of the Product or Manufacture of the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, imported, or to be imported into *England*, *Wales*, or *Berwick* upon *Tweed*, the Sum of Three Pence of lawful Money of *England*, over and above the then Duties payable on Salt imported, and after that Rate for a greater or leſſer Quantity; and for every Gallon of Salt and Rock Salt, made at the Salt Works, or taken out of any Pits, within the ſaid Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, the Sum of One peny halfpeny, and after that Rate for a greater or leſſer Quantity; with divers Proviſions and Directions in the ſaid Act contained for managing, collecting, paying, and applying the ſaid Duties: And whereas by another Act made in the Seventh and Eighth Years of the Reign of his ſaid late Majeſty King *William* the Third, intituled, *An Act for continuing to His Majeſty certain Duties upon Salt, Glaſs Wares, Stone and Earthen Wares, and for granting ſeveral Duties upon Tobacco Pipes and other Earthen Wares, for carrying on the War againſt* France, *and for eſtabliſhing a national Land Bank, and for taking off the Duties upon Tonnage of Ships, and upon Coals*, the ſame Rates and Duties were continued for ever, for the Purpoſes of the ſaid Act: And whereas by an Act of Parliament made in the Ninth and Tenth Years of the Reign of his ſaid late Majeſty King *William* the Third, intituled, *An Act for raiſing a Sum not exceeding Two Millions, upon a Fund for Payment of Annuities, after the Rate of Eight Pounds* per Centum per Annum, *and for ſettling the Trade to the* Eaſt Indies, it was amongſt other things enacted, That there ſhould be raiſed, levied, collected, and paid unto his Majeſty, his Heirs, and Succeſſors for ever, for Salt, the ſeveral additional Rates and Duties following, that is to ſay, For every Gallon of Salt, from and after the Twenty fourth Day of *December*, in the Year of our Lord One thouſand ſix hundred and ninety nine, imported from foreign Parts, the Sum of Seven Pence, of lawful Money of *England*, to be paid by the Importer or Importers thereof, and after that Rate for a greater or leſſer Quantity, and for every Gallon of Salt and Rock Salt, from and after the Twenty fourth Day of *December*, One thouſand ſix hundred and ninety nine, made at the Salt Works, or taken out of any Pit or Pits, within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, the Sum of Three Pence halfpeny of like Money, and after that Rate for a greater or leſſer Quantity: And whereas by the Articles of Union between the Kingdoms of *England* and *Scotland*, all the ſaid Duties on Salt were, from the Times therein mentioned, to take Place in *Scotland* (except the additional Duty on Home made Salt) with ſome Proviſions for preventing Salt made in *Scotland* from being brought into *England* without paying the ſaid additional Duty on Salt made in *England*: And whereas by an Act of Parliament made in the Third Year of the Reign of His preſent Majeſty, intituled, *An Act for taking off certain Duties on Salt, and for making good any Deficiencies in the Funds that may happen thereby; and for charging the reduced Annuity payable to the* Eaſt India *Company, on the Aggregate Fund; and for Relief of* Matthew Lyon *Executor of* Matthew Page *deceaſed, in reſpect of the Duty for Salt, loſt by the overflowing of the River* Mercy, *in the Year One thouſand ſeven hundred and twenty four*, it is enacted, That from and after the Twenty fifth Day of *December*, in the Year of our Lord One thouſand ſeven hundred and thirty, the Duty of One peny halfpeny *per* Gallon on Salt and Rock Salt made in this Kingdom, which was granted by the ſaid Act of the Fifth and Sixth Years of the Reign of their late Majeſties King *William* and Queen *Mary*, and alſo all the additional Duties on Salt (whether imported from foreign Parts, or Home made) which were granted by the ſaid Act of the Ninth and Tenth Years of the Reign of his ſaid late Majeſty King *William* the Third, ſhould ceaſe, determine, and be no longer paid or payable, and then and from thenceforth, all the Powers and Authorities given or granted by any Act or Acts of Parliament, for the levying, ſecuring, collecting, or recovering the ſame, and all Penalties and Forfeitures relating thereto, and all Proviſions, Regulations, or Reſtrictions, relating to the importing or bringing of Salt made in *Scotland* into *England*, without paying the ſaid additional Duty on Salt, ſhould ceaſe, determine, and not be put in Execution, and then and from thence-

7 & 8 W. III. cap. 31.

9 & 10 W. III. cap. 44.

Articles of Union.

3 Geor. II. cap. 20.

forth, the Right or Demand of any Perſon or Perſons in purſuance of the ſaid recited Acts, or any of them, on his or their exporting beyond the Seas any Salt, for which the ſaid Duties had been before ſecured or paid, to have the Securities for the ſame diſcharged, or the Monies paid for the ſame repaid, ſhould alſo ceaſe and determine, as to ſo much of ſuch Securities or Payments as were given or made for any of the Duties by the ſaid Act to be determined; and that no Drawbacks on Account of ſuch Duties ſo ſecured or paid before the ſaid Twenty fifth Day of *December*, in the Year of our Lord One thouſand ſeven hundred and thirty (except for the Duty of Three Pence *per* Gallon on Foreign Salt impoſed by the firſt herein recited Act) ſhould be made and allowed on any Salt exported beyond the Seas after that time, with a Proviſo in the ſaid Act contained, that the ſame ſhould not extend to determine the ſaid Duty of Three Pence *per* Gallon on Salt not of the Product or Manufacture of the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, ſo, as aforeſaid, granted by the ſaid Act of the Fifth and Sixth Years of the Reign of their ſaid late Majeſties King *William* and Queen *Mary*, nor to determine or make void any of the Proviſions, Rules, or Directions made by the ſaid Acts, or any of them, and then in Force, for Payment of the ſame Duty by the Importers of ſuch Foreign Salt upon the Entry thereof, or for preventing the landing thereof before ſuch Entry made, or the ſecuring the ſame by Bond with ſufficient Sureties, or for allowing the Diſcounts for paying the ſaid Duty in ready Money, or for Allowances for Drawbacks of the Duties paid or ſecured on the re-exporting the ſame to foreign Parts, or making good any Loſſes or Accidents that might happen in ſuch Salt after ſhipping the ſame for Exportation to Foreign Parts, or to be carried Coaſtwiſe, or for aſcertaining the Weight in each Buſhel, by which the ſaid Duty ſhould be computed, or to determine or make void any former Act or Clauſe relating to the Ships or Veſſels laden with Foreign Salt found hovering on the Coaſt, or relating to ſuch Salt exported to *Ireland*, and landed there, but the ſame, and every of them, ſhould remain and be in as full Force and Virtue as they then were, if the ſaid laſt recited Act had not been made: And whereas by an Act of Parliament made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for reviving the Duties on Salt for the Term therein mentioned*, it was enacted, That from and after the Twenty fifth Day of *March*, One thouſand ſeven hundred and thirty two, for and during the Space of Three Years, the Duty of One peny halfpeny *per* Gallon on all Salt and Rock Salt made at the Salt Works, or taken out of any Pits, within this Kingdom (and after that Rate for a greater or leſſer Quantity) which was granted by the ſaid Act of the Fifth and Sixth Years of the Reign of their late Majeſties King *William* and Queen *Mary*, and ſince made perpetual, and alſo all the additional Duties on Salt (whether imported from Foreign Parts, or made in any Part of *Great Britain*) which were granted by the ſaid Act of the Ninth and Tenth Years of the Reign of his ſaid late Majeſty King *William* the Third, or made payable by the Articles of Union between the Kingdoms of *England* and *Scotland*, ſhould be revived, and be payable, and paid in ſuch Manner, and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to *Ireland*, as if the ſaid laſt recited Act of the Third Year of the Reign of His preſent Majeſty had never been made; and that all the Powers and Authorities given by the ſaid recited Acts, or either of them, or by any other Act or Acts of Parliament, for levying, collecting, recovering, ſecuring, and paying the ſaid Duties, and all Penalties and Forfeitures relating thereto, and all Proviſions for the Diſtribution of ſuch Penalties and Forfeitures between His Majeſty and the Informers, when recovered, and the Methods of ſuing for, recovering, receiving, and mitigating the ſame, and all Proviſions, Regulations, or Reſtrictions relating to the importing or bringing of Salt made in *Scotland* into *England*, without paying the ſaid additional Duty on Salt, ſhould be revived and be in full Force and Virtue; and that the Right or Demand of any Perſon or Perſons, in purſuance of the ſaid Acts, for or in reſpect of his or their exporting beyond the Seas any Salt, for which the ſaid Duties ſhould be paid or ſecured to be paid, to have the Securities for the ſame diſcharged, or the Monies paid for the ſame repaid, ſhould alſo be revived, and all Drawbacks on Account of ſuch Duties ſo ſecured or paid ſhould be made and allowed for or in reſpect of the Exportation of Salt to Parts beyond the Seas (whether the ſame ſhould be Foreign Salt, or made within any Part of *Great Britain*) in the ſame Manner as ſuch Drawbacks ought to have been made, if the ſaid laſt recited Act had not been made: And whereas the Rates or Duties of One Shilling and Eight pence *per* Thouſand on all Red Herrings, and of Three Shillings and Four pence *per* Barrel on all White Herrings cured promiſcuouſly with Red Herrings, or White Herrings deſigned for Exportation but afterwards delivered out for Home Conſumption, which were impoſed by Two ſeveral Acts made in the Eighth Year of the Reign of his late Majeſty King *George* the Firſt, and which in Conſequence of the ſaid recited Act of the Third Year of His preſent Majeſty were reduced to the Rate of Four pence for every Thouſand of ſuch Red Herrings, and of Eight pence for every Barrel of ſuch White Herrings, were likewiſe revived by the ſaid laſt recited Act of the Fifth Year of His preſent Majeſty: And whereas the Allowance of Five Shillings *per* Barrel on the Exportation of ſalted Beef and Pork exported for Sale from any Part of *Great Britain* to any Parts beyond the Seas, which was given by the Eighth Article of the Treaty of Union between the Kingdoms of *England* and *Scotland*, and by an Act made in the Fifth Year of the Reign of Her late Majeſty Queen *Anne*, and which, in Conſequence of the ſaid recited Act of the Third Year of His preſent Majeſty, was reduced to an Allowlowance of One ſhilling and Six pence *per* Barrel, was alſo revived by the ſaid laſt recited Act of the Fifth Year of His preſent Majeſty: And whereas by an Act of Parliament made and paſſed in the Seventh Year of His Majeſty's Reign, intituled, *An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Seven Years; and for licenſing the erecting new Refineries of Rock Salt in the Counties of* Eſſex *and* Suffolk; it was enacted, That from and after the Determination of the ſaid Term of Three Years in the ſaid laſt recited Act of the Fifth Year of His Majeſty's Reign mentioned, the ſeveral and reſpective Rates and Duties upon Salt, and upon Red and White Herrings, which by the ſaid Act were revived, ſhould be further continued for and during the Space of Seven Years; and that the ſame ſhould be managed, raiſed, levied, collected, ſecured, and paid in ſuch Manner and Form, and by and under ſuch Powers, Authorities, Penalties, Forfeitures, Proviſions, Reſtrictions, and Regulations, for managing, raiſing, levying, collecting, ſecuring, and paying the ſame, and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to *Ireland*, and for Fiſh, Beef, and Pork, exported to Parts beyond the Seas, and with ſuch Drawbacks or Debentures on Account of Duties paid, or ſecured to be paid, for Salt exported to Parts beyond the Seas, as were particularly mentioned in the ſaid laſt recited Act, and that the ſaid laſt recited Act, and every Article, Rule, Clauſe, Matter, and Thing therein contained, or thereby referred unto, and then being in

5 *Geor.* II. *cap.* 6.

8 *Geor.* I. *cap.* 4. 16.

7. *Geor.* II. *cap.* 6.

Force

Force (not otherwiſe altered by the ſaid Act) ſhould be and continue in full Force for and during the ſaid further Term of Seven Years, as fully and amply to all Intents and Purpoſes, as if the ſame had been particularly recited, expreſſed, and enacted in the Body of the ſaid Act: **Now we Your Majeſty's moſt dutiful and loyal Subjects the Commons of** Great Britain **in Parliament aſſembled, towards raiſing the neceſſary Supplies for defraying the Expences of Your Majeſty's Government, have freely reſolved to continue all and every the Rates and Duties upon Salt, and alſo the Rates and Duties upon Red and White Herrings, by the ſaid laſt recited Act continued, and do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Determination of the ſaid Term of Seven Years in the ſaid laſt recited Act mentioned, the ſeveral and reſpective Rates and Duties upon Salt, and upon Red and White Herrings, which by the ſaid laſt recited Act were continued, ſhall be and are hereby further continued for and during the Space of Four Years, and that the ſame ſhall be managed, raiſed, levied, collected, ſecured, and paid in ſuch Manner and Form, and by and under ſuch Powers, Authorities, Penalties, Forfeitures, Proviſions, Reſtrictions, and Regulations for managing, raiſing, levying, collecting, ſecuring, and paying the ſame, and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to** Ireland, **and for Fiſh, Beef, and Pork, exported to Parts beyond the Seas, and with ſuch Drawbacks or Debentures on account of Duties paid, or ſecured to be paid, for Salt exported to Parts beyond the Seas, as are particularly mentioned in the ſaid laſt recited Act; and that the ſaid laſt recited Act, and every Article, Rule, Clauſe, Matter, and Thing therein contained, or thereby referred unto, and now being in Force, and not otherwiſe altered by this Act, ſhall be and continue in full Force and Effect for and during the ſaid further Term of Four Years, as fully and amply to all Intents and Purpoſes, as if the ſame were particularly recited, expreſſed, and enacted in the Body of this Act.**

The Duties on Salt further continued for 4 Years, after Expiration of the 7 Years granted by the laſt recited Act.

A Clauſe in the Salt Act 1 *Annæ, ſt.* 1. *c.* 21. explained.

II. And whereas by a certain Clauſe in an Act of Parliament paſſed in the Firſt Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for preventing Frauds in the Duties upon Salt, and for the better Payment of Debentures at the Cuſtom-houſe*, it is enacted, That from and after the Four and twentieth Day of *June*, One thouſand ſeven hundred and two, no Rock Salt whatſoever ſhall be refined or made into White Salt in any Place or Places whatſoever within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed* (except ſuch Places as are or ſhall be within Ten Miles diſtance of the reſpective Pit or Pits, from whence ſuch Rock Salt ſhall be taken, or at ſuch Places as upon or before the Tenth Day of *May*, One thouſand ſeven hundred and two, ſhall have been uſed for the refining of Rock Salt) under the Pain of Forty Shillings for every Buſhel of Rock Salt that ſhall be melted or refined in any Houſe, Place or Places not by the ſaid Act allowed for that Purpoſe, and ſo in Proportion for a greater or leſſer Quantity: And whereas ſome Doubts and Diſputes have ariſen, or may hereafter ariſe, whether the Miles mentioned in the ſaid Act, are to be computed according to the Statute Meaſure, or the common Eſtimation of the reſpective Places or Counties, in which the Pit or Pits, from whence ſuch Rock Salt ſhall be taken, is, are, or ſhall be ſituate and being; **now for the clearing, obviating, and removing all ſuch Doubts and Diſputes, be it enacted and declared by the Authority aforeſaid, That the Miles therein mentioned ſhall be underſtood and taken, and are hereby declared to be according to the common Eſtimation of the reſpective Counties or Places, where ſuch Pit or Pits is, are, or ſhall happen to be, and not according to the Statute or any other Meaſure; any thing in the ſaid Act, or in any other Act concerning the Duties upon Salt, contained to the contrary thereof notwithſtanding.**

5 *Geor.* I. *c.* 18.

III. And whereas by an Act made in the Fifth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for recovering the Credit of the* Britiſh *Fiſhery in foreign Parts, and for better ſecuring the Duties on Salt*, it is enacted, That the Curers of Fiſh be allowed to import foreign Salt for the curing of Fiſh for Exportation without paying any Duty to His Majeſty (except the Cuſtoms payable upon the Importation thereof) ſuch foreign Salt being landed and weighed in the Preſence of an Officer for the Duties on Salt, and being lodged in a Warehouſe under the Lock and Key of the ſaid Officer, as well as the Proprietor of ſuch Salt; and ſuch foreign Salt, ſo lodged in the joint Cuſtody of the Officer and Proprietor, is to be delivered over, at the Beginning of the ſeveral Fiſhing Seaſons, into the ſole Cuſtody of ſuch Proprietor, or his Agents, upon his or their making Oath in Writing before ſuch Officer in Manner and to the Effect therein directed, who, at the End of every Fiſhing Seaſon, are thereby required to make particular Accounts of the Quantities remaining in their Hands, to be immediately locked up in the joint Cuſtody of the Officer and Proprietor, or his Agents, as aforeſaid, and to deliver in a particular Account in Writing, as ſoon as poſſible, after the End of every Fiſhing Seaſon, to the Office for the Duties on Salt, of the Quantities of Fiſh exported, or entered and ſhipped to be exported, on which ſuch Salt hath been uſed or conſumed, which Account is to be affirmed by the Oath of ſuch Proprietor or Proprietors, his or their Agent or Agents, uſing the ſame: And whereas in and by an Act made in the Eighth Year of his ſaid late Ma-

8 *Geor.* I. *c.* 4.

jeſty's Reign, intituled, *An Act for taking off the Duty upon all Salt uſed in the curing of Red Herrings, and laying a proportionable Duty upon all Red Herrings conſumed at Home only; and for aſcertaining the Cuſtom and Exciſe payable for the Sugar Houſes in* Scotland; *and for making an Allowance for Salt loſt in any Harbour or River of this Realm; and for the better ſecuring the Duties on Salt delivered in* Scotland, it is enacted, That ſuch Account of the ſaid Quantities of foreign Salt, employed for the Ends and Purpoſes aforeſaid, ſhall be made and delivered in within Three Months after the Expiration of each Year, in manner and under the Penalties therein directed: And whereas great Frauds have been committed, to the Diminution of the Revenue, and to the Prejudice of the *Britiſh* Salt Works, by the Importation of foreign Salt for curing of Fiſh for Exportation, without Payment of the Duties, by Perſons of no Fortune or Credit, who, pretending to be Proprietors, have, at the beginning of every fiſhing Seaſon, ſuch foreign Salt delivered over into their ſole Cuſtody, to be employed in the curing of Fiſh as aforeſaid, but who ſell and diſpoſe of ſuch foreign Salt for Inland Conſumption, and, to avoid being brought to any Account, abſcond and withdraw themſelves from the Law: **To remedy therefore ſuch Inconveniencies, be it enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of** June, **in the Year of Our Lord One thouſand ſeven hundred and thirty five, no foreign Salt ſhall be delivered over from the joint Cuſtody of**

of the Officer and Proprietor into the ſole Cuſtody of the Proprietor or his Agent, for curing Fiſh for Exportation, except he or they do give Security, to the Satisfaction of the Chief Officer of the Salt Duty in the Port where ſuch Salt ſhall be imported, that he or they ſhall and will account for the foreign Salt ſo by him or them to be received, in the Terms of, and according to the true Intent and Meaning of, the ſaid recited Acts, made in the Fifth and Eighth Years of his ſaid late Majeſty's Reign, or ſhall anſwer the ſeveral Penalties in the ſaid Acts directed to be recovered from the Proprietor offending againſt the ſaid ſeveral Acts, or either of them. After 24 *June* 1735. foreign Salt not to be delivered for curing Fiſh for Exportation, without Security.

IV. And whereas the Cuſtom which hath prevailed in that Part of *Great Britain* called *Scotland*, of paying the Servants at Salt Works their Wages in Salt, hath been the Occaſion of ſeveral Frauds and Embezilments: For preventing whereof, be it enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty five, it ſhall not be lawful for any Proprietor, or other Perſon taking Charge of any Salt Work within Scotland, to pay the Wages of any Servants employed by them in ſuch Salt Works, in Salt; and if after the ſaid Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty five, any Proprietor or other Perſon taking Charge of any Salt Work in Scotland, ſhall preſume to pay the Wages of any Servant or Servants employed by him or them in Salt, the Perſon or Perſons ſo offending ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds, to be recovered in a ſummary Way, upon Complaint made before any Two or more of His Majeſty's Juſtices of the Peace of the County within which ſuch Salt Works do lie, by any Perſon or Perſons who ſhall ſue for the ſame; provided ſuch Penalties be ſued for within Three Months next after the Offence committed. No Servants employed in the Salt Works in *Scotland*, to be paid their Wages in Salt, on Penalty of 20 *l.*

V. And it is hereby alſo enacted, That there ſhall be provided and kept in the Office of the Auditor of the Receipt of the Exchequer One Book or Regiſter, in which all the Orders for Money payable upon this Act ſhall be entered and regiſtred; and that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to advance and lend to his Majeſty at the ſaid Receipt, upon Credit of the ſaid ſeveral Rates and Duties by this Act continued, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thouſand Pounds; which Lenders ſhall have Intereſt for their Forbearance of their reſpective Loans not exceeding the Rate of Four Pounds per Centum per Annum, ſo as ſuch Loans be allowed to be made by the Commiſſioners of the Treaſury, or any Three or more of them, or by the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, who are hereby authorized to iſſue their Warrants for that Purpoſe, as faſt as ſuch Loans ſhall be wanted for the publick Service; the ſaid Intereſt to be paid every Three Months from the making of ſuch Loans, until the Satisfaction of the principal Sums reſpectively; and that no Monies ſo to be lent ſhall be rated or aſſeſſed in any Tax or Aſſeſſment whatſoever; and that every ſuch Lender ſhall immediately have a Tally of Loan ſtruck for the Money by him, her, or them lent, and an Order of the ſame Date for Repayment thereof with ſuch Intereſt as aforeſaid; and that all ſuch Orders ſhall be regiſtred in Courſe according to their Dates, and all Perſons thereupon ſhall be paid in Courſe as their Orders ſhall ſtand regiſtered, ſo as the Perſon or Perſons Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, whoſe Orders ſhall be firſt regiſtred, ſhall be accounted the Perſon or Perſons to be firſt paid, and ſo ſucceſſively in Courſe; and that the Monies to come in by this Act of the ſaid Duties ſhall be in the ſame Order liable to the Satisfaction of the ſaid reſpective Perſons, their Executors, Adminiſtrators, or Aſſigns ſucceſſively, without undue Preference of one before another, and not otherwiſe, and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever; and that no Fee, Reward, or Gratuity, directly or indirectly, be demanded or taken for providing or making any ſuch Books or Regiſters, or any Entries, Views, or Search, in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of His Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party aggrieved, by the Party offending, with full Coſts of Suit, or if the Officer himſelf take or demand any ſuch Fee or Reward, then to forfeit his Place alſo; and if any undue Preference of one before another ſhall be made in Point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable by Action of Debt, or on the Caſe, to pay the Value of the Debt, with full Coſts of Suit, to the Party aggrieved, and ſhall be forejudged of his Place or Office; and if ſuch Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall be for ever after incapable of his Place or Office; and in Caſe the Auditor of the Receipt ſhall not direct, or the Clerk of the Pells record, or the Tellers make Payment, according to each Perſon's due Place and Order, as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective Deputies or Clerks therein offending, to be liable to ſuch Action, Debt, Damages, and Coſts, in ſuch Manner as aforeſaid; all which ſaid Penalties, Forfeitures, Damages, and Coſts, to be incurred by any of the Officers of the Exchequer, or any their Deputies or Clerks, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoign, Protection, Privilege, Wager of Law, Injunction, or Order of Reſtraint ſhall be in any wiſe granted or allowed. Clauſe of Loan at 4 *per cent.* Tallies and Orders for Repayment. Penalty on taking a Fee, or giving undue Preference.

VI. Provided always, That if it ſhall happen that ſeveral Tallies of Loan or Orders for Payment as aforeſaid bear date or be brought the ſame Day to the Auditor of the Receipt to be regiſtred, then it ſhall be interpreted no undue Preference which of thoſe be entred firſt, ſo as he enters them all the ſame Day. What ſhall not be accounted undue Preference.

VII. Provided alſo, That it ſhall not be interpreted any undue Preference to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay, ſubſequent Orders of Perſons that come and demand their Money and bring their Orders, before other Perſons who did not come to take their Monies and bring their Orders in courſe, ſo as there be ſo much Money reſerved as will ſatisfy prece-

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dent Orders, which shall not be otherwise disposed of, but kept for them, Interest upon Loans being to cease from the Time the Money is so reserved and kept in Bank for them.

Orders assignable.

VIII. And be it further enacted, That all and every Person and Persons to whom any Money shall be due for Loans by virtue of this Act, after Order entred in the Book of Registry aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed on his, her, or their Order, may assign or transfer his, her, or their Right, Title, Interest, and Benefit of such Order, or any Part thereof, to any other; which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Registry aforesaid for Orders (which the Officers shall upon Request without Fee or Charge accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, or Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so toties quoties, and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

Application of the Duties hereby granted.

IX. And be it further enacted by the Authority aforesaid, That the Money which shall from time to time arise at the said Receipt of the Exchequer, of or for the Duties by this Act continued, shall, from time to time, as the same shall arise at the said Receipt (after all the Orders of Loan and Exchequer Bills made forth by and in pursuance of the said Two before recited Acts of the Fifth and Seventh Years of His Majesty's Reign, together with the Interest, Premium, or Rates due thereupon, shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose) be issued and applied at the said Receipt for or towards the paying off and discharging the Orders of Loan for the Monies which shall have been lent at the said Receipt, and for satisfying the Interest thereof, in such Course, Manner, and Form, as are before in this Act prescribed or appointed for that Purpose, until all the Principal and Interest payable upon such Orders of Loan shall be fully satisfied, or sufficient Money shall be reserved in the Exchequer for the full Payment and Satisfaction of the same.

Treasury within 10 Days after 29 *Sept.* 1746. to take an account of the Money raised, &c.

X. And be it further enacted by the Authority aforesaid, That on the Twenty ninth Day of September, One thousand seven hundred and forty six, or within Ten Days after, the Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall cause a true and perfect Account in Writing to be taken and attested by the proper Officers, of all the Monies which shall have been raised by such Loans as aforesaid for or towards the said Sum not exceeding Five hundred thousand Pounds by this Act intended to be raised as aforesaid, and how much thereof shall before that time have been paid off or discharged, and how much thereof shall then remain undischarged upon the said Orders of Loan, which Account shall be publickly affixed in the Office of the Auditor of the Receipt in the said Exchequer.

Deficiencies to be supplied out of the next Aids to be granted after 29 *Sept.* 1746.

XI. And it is hereby enacted and declared by the Authority aforesaid, That the Monies so remaining unsatisfied, or not discharged, with the Interest due or to grow due for the same, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament, after the said Twenty ninth Day of September, One thousand seven hundred and forty six, and shall be transferred thereunto as soon as such Aid or Aids shall be granted; and if no such Aid or Aids shall be granted, whereunto such unsatisfied Money shall be transferred, before the Twenty fourth Day of March, One thousand seven hundred and forty six, then the Monies so remaining unsatisfied and undischarged upon the said Orders of Loan, with the Interest due or to be due for the same, shall be and are hereby charged and chargeable upon such Monies as at any Time or Times shall be or remain in the same Receipt, of the Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses, by any former Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued for discharging the said unsatisfied Orders of Loan in Course, as the said Commissioners of the Treasury, or the High Treasurer, for the time being, shall direct, until all the Principal and Interest, which shall be or remain due upon the said Orders of Loan, shall be fully cleared and paid off, or Money sufficient shall be reserved for that Purpose; and if at any Time or Times before or after any Monies of the said Duties hereby continued shall be brought into the Exchequer as aforesaid, there shall happen to be a want of Money for paying Interest, which shall be actually incurred and grown due upon the said Orders of Loan, that then and in every such Case the Money so wanted shall and may be supplied out of the Monies of the said Fund, commonly called The Sinking Fund (except before excepted) and be issued accordingly.

Or *Sinking Fund*,

and be replaced.

XII. Provided always, and be it enacted by the Authority aforesaid, That whatever Money shall be issued out of the said Surplusses, Excesses, or Overplus Monies, commonly called The Sinking Fund, shall from time to time be replaced by and out of the first Supplies to be then after granted in Parliament; any thing herein contained to the contrary notwithstanding.

Surplus reserved for the Disposition of Parliament.

XIII. Provided always, and be it enacted by the Authority aforesaid, That in case there shall be any Surplus or Remainder of the Monies arising by the said Duties hereby continued (after all the Orders of Loan by this Act directed to be made forth and the Interest thereof shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose) such Surplus or Remainder shall from time to time be reserved for the Disposition of Parliament, and shall not be issued but by Authority of Parliament, and as shall be directed by future Act or Acts of Parliament

ment; any thing in this or any former Act or Acts of Parliament to the contrary notwithstanding.

Clause of Relief concerning Apprentices.

XIV. And for the Relief of any Person or Persons who through neglect or inadvertency have omitted to pay the several Rates and Duties, or any Part thereof, upon Monies given, paid, contracted, or agreed for, with, or in relation to any Clerk, Apprentice, or Servant, which hath been put or placed to or with any Master or Mistress to learn any Profession, Trade, or Employment, and to have such Indentures or other Writings, which shall contain the Covenants, Articles, Contracts, or Agreements relating to the Service of such Clerk, Apprentice, or Servant, stamped within the Times by the several Acts of Parliament for those Purposes respectively limited, or who have also in like Manner omitted to insert and write in Words at length in such Indentures or other Writings as aforesaid, the full Sum or Sums of Money, or any Part thereof, received, or in any wise directly or indirectly given, paid, agreed, or contracted for, with or in relation to every such Clerk, Apprentice, or Servant as aforesaid, be it enacted by the Authority aforesaid, That upon Payment of the Rates and Duties upon Monies, or such Part of such Monies so neglected or omitted to be paid, as aforesaid, on or before the Twenty fourth Day of June, One thousand seven hundred and thirty five, to such Person or Persons to whom the same ought to be paid, and tendering the said Indentures or other Writings to be stamped at the same time, or at any time, on or before the Twenty ninth Day of September, One thousand seven hundred and thirty five (of which timely Notice is to be given in the London Gazette) the same Indentures or other Writings shall be good and available in Law or Equity, and may be given in Evidence in any Court whatsoever, and the Clerk, Apprentice, or Servant therein named, shall be capable of following and exercising their respective intended Trades or Employments, as fully as if the said Rates and Duties so omitted had been duly paid, and the full Sum or Sums received or agreed for as aforesaid, had been inserted, and the Persons, who have incurred any Penalties by the Omissions aforesaid, shall be acquitted and discharged of and from the said Penalties; any thing in this or the said former Acts to the contrary in any wise notwithstanding.

CAP. XIII.

An Act for the Encouragement of the Arts of Designing, Engraving, and Etching historical and other Prints, by vesting the Properties thereof in the Inventors and Engravers, during the Time therein mentioned.

Preamble.

WHEREAS divers Persons have by their own Genius, Industry, Pains, and Expence, invented and engraved, or worked in *Mezzotinto*, or *Chiaro Oscuro*, Sets of historical and other Prints, in hopes to have reaped the sole Benefit of their Labours: And whereas Print-sellers and other Persons have of late without the Consent of the Inventors, Designers, and Proprietors of such Prints, frequently taken the Liberty of copying, engraving, and publishing, or causing to be copied, engraved, and published, base Copies of such Works, Designs, and Prints, to the very great Prejudice and Detriment of the Inventors, Designers, and Proprietors thereof; for Remedy thereof, and for preventing such Practices for the future, may it please your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty five, every Person who shall invent and design, engrave, etch, or work in Mezzotinto or Chiaro Oscuro, or, from his own Works and Invention, shall cause to be designed and engraved, etched, or worked in Mezzotinto or Chiaro Oscuro, any historical or other Print or Prints, shall have the sole Right and Liberty of printing and reprinting the same for the Term of Fourteen Years, to commence from the Day of the first publishing thereof, which shall be truly engraved with the Name of the Proprietor on each Plate, and printed on every such Print or Prints; and that if any Print-seller, or other Person whatsoever, from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty five, within the Time limited by this Act, shall engrave, etch, or work, as aforesaid, or in any other Manner copy and sell, or cause to be engraved, etched, or copied and sold, in the Whole or in Part, by varying, adding to, or diminishing from the main Design, or shall print, reprint, or import for Sale, or cause to be printed, reprinted, or imported for Sale, any such Print or Prints, or any Parts thereof, without the Consent of the Proprietor or Proprietors thereof first had and obtained in Writing, signed by him or them respectively in the Presence of Two or more credible Witnesses, or, knowing the same to be so printed or reprinted without the Consent of the Proprietor or Proprietors, shall publish, sell, or expose to sale, or otherwise, or in any other Manner, dispose of, or cause to be published, sold, or exposed to Sale, or otherwise, or in any other Manner disposed of, any such Print or Prints without such Consent first had and obtained, as aforesaid, then such Offender or Offenders shall forfeit the Plate or Plates on which such Print or Prints are or shall be copied, and all and every Sheet or Sheets (being Part of or whereon such Print or Prints are or shall be so copied or printed) to the Proprietor or Proprietors of such original Print or Prints, who shall forthwith destroy and damask the same; and further, that every such Offender or Offenders shall forfeit Five Shillings for every Print which shall be found in his, her, or their Custody, either printed or published, and exposed to Sale, or otherwise disposed of, contrary to the true Intent and Meaning of this Act, the One Moiety thereof to the King's most Excellent Majesty, His Heirs, and Successors, and the other Moiety thereof to any Person or Persons that shall sue for the same, to be recovered in any of His Majesty's Courts of Record at Westminster, by Action

After 24 *June*, 1735, the Property of historical and other Prints vested in the Inventor for 14 Years.

Proprietor's Name to be affixed to each Print.

Penalty on Print-sellers or others pirating the same.

of Debt, Bill, Plaint, or Information, in which no Wager of Law, Essoign, Privilege, or Protection, or more than One Imparlance shall be allowed.

Not to extend to Purchasers of Plates from the original Proprietors.

II. Provided nevertheless, That it shall and may be lawful for any Person or Persons, who shall hereafter purchase any Plate or Plates for printing, from the Original Proprietors thereof, to print and reprint from the said Plates, without incurring any of the Penalties in this Act mentioned.

Limitation of Actions.

III. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Person or Persons whatsoever for doing or causing to be done any Thing in pursuance of this Act, the same shall be brought within the Space of Three Months after so doing; and the Defendant and Defendants in such Action or Suit shall or may plead the General Issue, and give the special Matter in Evidence; and if upon such Action or Suit a Verdict shall be given for the Defendant or Defendants, or if the Plaintiff or Plaintiffs become nonsuited, or discontinue his, her, or their Action or Actions, then the Defendant or Defendants shall have and recover full Costs, for the Recovery whereof he shall have the same Remedy as any other Defendant or Defendants in any other Case hath or have by Law.

General Issue.

IV. Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or brought against any Person or Persons for any Offence committed against this Act, the same shall be brought within the Space of Three Months after the Discovery of every such Offence, and not afterwards; any thing in this Act contained to the contrary notwithstanding.

Clause relating to *J. Pine.*

V. And whereas *John Pine* of *London*, Engraver, doth propose to engrave and publish a Set of Prints copied from several Pieces of Tapestry in the House of Lords, and His Majesty's Wardrobe, and other Drawings relating to the *Spanish* Invasion, in the Year of our Lord One thousand five hundred and eighty eight; be it further enacted by the Authority aforesaid, That the said John Pine shall be intitled to the Benefit of this Act, to all Intents and Purposes whatsoever, in the same Manner as if the said John Pine had been the Inventor and Designer of the said Prints.

Publick Act.

VI. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

CAP. XIV.

An Act for prolonging the Time for claiming the fortunate Tickets in the *Charitable Corporation* Lottery, and for making Provision for Tickets in the said Lottery lost, burnt, or otherwise destroyed.

Preamble, reciting 7 *Geo.* II. *cap.* 11.

WHEREAS by an Act made and passed in the Seventh Year of the Reign of His present Majesty, intituled, *An Act for the Application and Disposal of the Residue of the Money raised by way of Lottery, on the Credit of an Act made in the last Session of Parliament, for Relief of such Sufferers in the* Charitable Corporation *as are Objects of Compassion, according to the Descriptions therein mentioned, Mark Frecker, Robert Manning, William Walmesly, Claudius De Vins, Henry Harris, Charles Fenn, Francis Gashry, Richard Graham, John Burman,* and *Joseph Wight*, Ten of the Managers and Directors of the said Lottery, were authorized and appointed to exchange the fortunate Tickets for Certificates, and do all other Acts, Matters, and Things, which in and by the said former Act were directed and appointed to be done, executed, and performed by the said Managers and Directors, subsequent to the drawing of the said Lottery, and the Proprietors of the fortunate Tickets to be drawn in the said Lottery were required to apply to the said Ten Managers so appointed as aforesaid, on or before the Twenty fifth Day of *March*, One thousand seven hundred and thirty five, for Certificates in exchange for such fortunate Tickets, as aforesaid: And whereas several of the fortunate Tickets of the said Lottery have not been claimed within the Time limited by the said Act, some of which may by Casualty or Mischance have been lost, burnt, or otherwise destroyed, which said Tickets remaining unclaimed amount in Value to the Sum of Two thousand seven hundred and twenty Pounds, *&c.*

CAP. XV.

An Act for the better regulating the Nightly Watch and Bedels, within the Two Parishes of Saint *James* and Saint *George Hanover Square*, within the Liberties of the City of *Westminster*.

Preamble.

WHEREAS the keeping a sufficient and well regulated Watch in the Night Time, within the Two great and populous Parishes of Saint *James* and Saint *George Hanover Square*, within the Liberties of the City of *Westminster*, is of great Importance for the Preservation of the Persons and Properties of the Inhabitants thereof, and very necessary to prevent as well the Mischiefs, which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Disorders: And whereas by the Laws now in being no effectual Provision is made for the establishing, ordering, or well governing of such a Nightly Watch, or for levying and collecting any Sums of Money, for defraying the necessary Charges thereof, or for enforcing a due Application and just Account of any Money so levied and collected for that Purpose: And whereas it hath been found by Experience, that the Bedels employed within the said Two Parishes, for want of a proper Regulation and Government of them, have been of great Charge, and little Use to the same, and the Methods hitherto practised of raising Monies, for maintaining and paying the said Bedels, have been also precarious and unwarrantable; for Remedy of the aforesaid Inconveniencies, may it please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Second Day of June, One thousand seven hundred and thirty five, and so in every Year ensuing (unless that Day shall be Sunday, and then upon the next Day) the Vestry of each of the said Two Parishes of Saint James and Saint George Hanover Square, shall meet, and be held in the common Vestry Room of each Parish respectively, and then and there shall appoint what Number of Watchmen they shall judge necessary and proper to be kept in their respective Parishes, and the several Wards thereof, for the Year then next to come, and shall nominate and appoint

The Vestry of each Parish to meet on 2 *June* yearly,

for appointing able bodied Watchmen and Bedels,

appoint as well such honest and able bodied Men to be employed in that Service, as they shall think best qualified for the same, as also a sufficient Number of Bedels proportionable to the Extent of each Parish (not exceeding One Bedel for each Ward of the same) and shall then and there direct, and set down in Writing, at what Stands it is fit for the said Watchmen to be placed, in what Manner, and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances are to be given to the said Watchmen and Bedels for their Attendance, and all such other Orders and Regulations, as the Nature of each particular Service shall seem to them to require: And if any of the said Watchmen or Bedels, so by them appointed, shall die within the Year, or shall be negligent in his or their Duty, or guilty of any Misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the said Nominations, Appointments, Orders, and Regulations, it shall and may be lawful for the Vestries of the said Parishes respectively (being convened by due and legal Notice) at any intermediate Times of the Year to nominate and appoint One or more Person or Persons fitly qualified, in the Room and Stead of him or them so dying, or guilty of Misbehaviour, as aforesaid, and also to make such other Nominations and Appointments, and such further Orders and Regulations, for the better Government and Direction of the said Watchmen and Bedels, as they shall think proper, and to do all such other Acts and Things as shall be necessary for the due Execution of this Act.

and to set down in Writing the several Regulations;

and, on legal Notice, at other Times, for supplying Vacancies, &c.

II. And be it further enacted by the Authority aforesaid, That a true Copy or Transcript of all such Nominations, Appointments, Orders, and Regulations, as shall be so made from time to time as aforesaid for the better Direction and Government of the Watchmen so to be appointed, shall be fairly written and signed by the Vestry Clerk of each Parish respectively, and shall be delivered to the Constables for the time being of the said Parish, and to every of them; and that from and after the said Second Day of June, One thousand seven hundred and thirty five, one of the said Constables, for the time being, of each of the said Two Parishes, shall attend every Night by turns, and shall keep Watch and Ward within each Parish respectively, from the Hours of Nine in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the Thirtieth Day of March, and from the said Thirtieth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five of the Clock the next Morning, and shall, in their several Turns or Courses of watching, use their best Endeavours to prevent as well all Mischiefs happening by Fires, as all Murders, Burglaries, Robberies, and other Outrages and Disorders, and to that End shall arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandring or misbehaving themselves, and shall carry the Persons who shall be so apprehended, as soon as conveniently may be, to One or more Justice or Justices of the Peace of the City and Liberty of Westminster, to be examined and dealt with according to Law; and shall twice, or oftner, at convenient Times, in every Night, go about their respective Parishes, and take Notice, whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the Vestry of each respective Parish; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constable shall, as soon as conveniently may be, give Notice thereof to one of the Churchwardens, for the time being, of the Parish to which such Watchman shall belong, to the End a Vestry may be forthwith summoned for the Examination and Punishment of such Offence.

A Copy of the Regulations, signed by the Vestry Clerks, to be delivered to every Constable.

One Constable for each Parish to watch every Night by turns.

The Times of watching.

Constables Duty.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them, in the Absence of the Constable, and they are also hereby authorized and required, in their several Stations during the Time of their keeping Watch and Ward as aforesaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons, whom they shall find disturbing the publick Peace, or have just Cause to suspect of any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable of the Night, who is hereby required to carry him, her, or them, before one or more Justice or Justices of the Peace of the said City and Liberties, to be examined and dealt with according to Law.

The Duty of Watchmen.

IV. And for the better raising and levying of Monies for paying the Wages of the said Watchmen and Bedels, and other Charges incident thereunto, and for defraying the necessary Charges and Expences of passing this Act, be it further enacted by the Authority aforesaid, That within Ten Days after the said Watchmen and Bedels shall be nominated and appointed, as aforesaid, the said Vestry of each Parish, being convened by due and legal Notice, shall, and they are hereby authorized and impowered yearly to make an equal Rate or Assessment, according to a Pound Rate, upon all and every Person or Persons who do or shall inhabit, hold, or enjoy any House, Shop, Warehouse, or other Building within each Parish respectively, for and towards the raising the full Sum of Money by them judged necessary to be charged upon the said Parish; which said Rate or Assessment so to be made (being first allowed and confirmed by Two or more Justices of the Peace of the said City of Westminster and the Liberties thereof) and all Arrears due upon the same, shall be collected quarterly from the said Inhabitants and Occupiers, by such Person or Persons as shall be appointed by the said Vestries respectively to collect and receive the same; and in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them, it shall and may be lawful to and for such Collector or Collectors, by Warrant under the Hands and Seals of Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendring to him, her, or them the Overplus (if any be) the reasonable Charge of making the said Distress and Sale being first deducted; and for want of such Distress, by like Warrant to commit the Party so neglecting or refusing (not being a Peer or Peeress of this Realm) to the common Gaol until Payment thereof.

How and when the Rates are to be settled.

Distress on Nonpayment.

V. Provided always, and be it enacted, That every Rate, Tax, or Assessment, which shall be made or imposed by virtue of this Act, for or in respect of any House or Tenement,

Rates on foreign Ministers Houses to be paid by the Landlord.

which any Ambassador, Resident, Agent, or other publick Minister of any foreign Prince or State, now doth or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of the said Houses or Tenements respectively.

Appeal to the Quarter Sessions,

VI. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon an Appeal to the next General Quarter Sessions of the Peace, to be held for the said City and Liberties of Westminster, it shall and may be lawful for the Justices of the Peace, or the greater Number of them then assembled, to take such Order therein as to them shall seem meet, which said Order shall be final, and conclude all Parties.

whose Order shall be final.

Rates not to exceed 4 *d.* in the Pound.

VII. Provided also, and be it enacted, That no such Assessment or Assessments to be made in any One Year, shall exceed the Rate of Four Pence in the Pound, of the yearly Value of any Houses, Shops, Warehouses, or other Buildings, so assessed and charged by virtue of this Act.

Payment of these Rates not to intitle any Person to a Settlement in the Parish.

VIII. Provided also, and be it enacted and declared, That no Person or Persons, who shall be charged in, or pay to any Rate or Assessment to be made by virtue or in pursuance of this Act, shall be deemed or construed thereby to gain any Settlement in the Parish or Place wherein such Charge or Payment shall be made.

How the Rates to be collected and accounted for.

IX. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall be appointed by the said several Vestries respectively to collect and receive the Monies due upon the said Assessment within each Parish or the several Wards thereof, shall from time to time pay over the Monies arising from the same to such Watchmen, Bedels, or other Persons, and in such Proportions, as the said respective Vestries shall appoint; and shall upon the Twenty sixth Day of January yearly (unless the same shall be Sunday, and then upon the Twenty seventh Day of January) or oftner if required, make and yield up to the said respective Vestries a true and perfect Account of all Sums of Money by them received and paid; and also pay and deliver into the Hands of such other Persons whom the said Vestries shall appoint to receive the same, all such Sums of Money as shall remain in their or any of their Hands; which said Sums so remaining in their or any of their Hands, and all Monies whatsoever by them collected or received by virtue of this Act, it is hereby declared, shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise; and if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands, in Manner aforesaid, it shall and may be lawful, upon Complaint and Proof thereof made to Two or more Justices of the Peace of the said City and Liberties, and by Warrant under their Hands and Seals, to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid so much as upon the said Account shall be remaining in his or their Hands.

Penalty.

Deficient Monies how to be supplied,

X. Provided also, and be it further enacted, That in case there shall be any Deficiency in any One Year's Rate or Assessment so to be made as aforesaid, either by Houses, Shops, Warehouses, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates and Assessments are respectively charged, so that the Wages or Allowances to Watchmen and Bedels, and other incident Charges, cannot be fully satisfied, paid, and discharged in that Year, then and in any such Case, the Deficiency so happening in either of the said Parishes, shall be carried to the next succeeding Year's Rate, for such Parish wherein such Deficiency shall happen, and shall be made good thereout; and if there shall happen to be any Surplus Money collected by such Rates and Assessments as aforesaid, in either of the said Parishes in any One Year, such Surplus shall be carried on to the next Year's Credit of such Rates, for that Parish wherein such Surplus Money was collected, and shall be applied for such Uses, and in such Manner, as the Rates and Assessments therein collected are by this Act directed to be laid out and applied.

and Surplus how disposed of.

Yearly Accounts of the Sums total assessed and collected;

XI. And be it further enacted by the Authority aforesaid, That an Account of the total Sums assessed, collected, and received, within each distinct Ward of the said Parishes respectively, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the Twentieth Day of February yearly, shall be examined, adjusted, and signed, at a Meeting of the Vestry duly assembled within each respective Parish; which said Book and Account shall be lodged in the Hands of the Vestry Clerk, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of the said Parishes respectively, who shall desire the same, without Fee or Reward.

to be inspected without Fee.

12 *Geo.* I.

XII. And whereas by an Act of Parliament made in the Twelfth Year of the Reign of King *George* the First, intituled, *An Act to enable the present and future Inhabitants of the East, North, and West Sides or Lines of Saint* James's Square, *to make a Rate on themselves for raising Money sufficient to clean, adorn, and beautify the said Square, and to continue the same in repair*, certain Powers are vested in the Trustees appointed by the said Act, whereby they are authorized to do all such Acts and Things, as they shall judge necessary, in order to remove and prevent all manner of Annoiances in the said Square: And whereas the said Trustees have hitherto constantly provided a sufficient Day Watch and Nightly Watch for the Inhabitants of the said Three Sides of the said Square out of the Monies raised from time to time by virtue of the said Act, and will be also enabled for the future so to do out of the Rates and Duties they are impowered by the said Act to make and levy, without putting the Inhabitants of the said Three Sides to any further Charge on account of such Watches; **be it therefore further provided and enacted by the Authority aforesaid, That the Inhabitants, Owners, and Occupiers, for the time being, of the several Houses contained in the said Three Sides or Lines of Saint** James's Square, **shall be in no wise liable to be rated, assessed, or pay any Monies, towards the Payment of the Watchmen or Bedels to be nominated and appointed by either of the said Vestries, in pursuance of this Act, but they are hereby exonerated and discharged therefrom.**

The Inhabitants of Saint *James's Square* discharged from Payment of these Rates.

XIII. And

XIII. And be it also enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees for the time being, or any Three of them, to employ from time to time such Number of Persons as they shall judge necessary and proper to be the Watchmen and Bedels in and for the said Three Lines or Sides of the said Square, and out of the Rates and Duties, to be made and levied by virtue of the said recited Act made in the said Twelfth Year of King George the First, to pay such Watchmen and Bedels such Wages and Allowances as they shall think fit; any thing in this Act contained in any wise to the contrary notwithstanding. but the Trustees thereof may appoint Watchmen and Bedels,

XIV. Provided also, and be it further enacted by the Authority aforesaid, That such Watchmen in the Night Time shall have the like Powers to apprehend disorderly Persons, as are given by this Act to other Watchmen to be nominated and appointed by the said Vestries respectively as aforesaid. who shall have like Powers as those appointed by this Act.

XV. Provided, and it is hereby enacted and declared, That no Person or Persons, who shall be rated, and pay to any Rate or Rates to be made in pursuance of this Act, shall be liable to any Watch or Ward by virtue of the Statute commonly called the Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statute relating thereto, but shall be, and are hereby discharged of and from the same. Persons paying the Rates hereby appointed, discharged from the Statute of *Winchester*, &c.

XVI. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, that then, and in such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

XVII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges, and Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

CAP. XVI.

An Act for the Amendment of the Law relating to Actions on the Statute of *Hue* and *Cry*.

22. G. 2. C. 46.

WHEREAS by the Laws now in being, the Proceedings upon a Statute made in the Thirteenth Year of the Reign of King *Edward* the First, commonly called *The Statute of* Hue *and* Cry, and another Statute made in the Twenty seventh Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the following of* Hue *and* Cry, are attended with many and great Inconveniencies to the Subjects: For Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty five, no Person or Persons shall have or maintain any Action against any Hundred, or take any Benefit by virtue of the said Statutes, or either of them, unless he, she, or they, shall, over and besides the Notice already required by the last of the above mentioned Statutes to be given of any Robbery, with as much convenient Speed as may be after [redacted] Robbery on him, her, or them committed, give Notice thereof to One of the Constables of the Hundred, or to some Constable, Boholder, Headborough, or Tythingman of some Town, Parish, Village, Hamlet, or Tything, near unto the Place wherein such Robbery shall happen, or shall leave Notice in Writing of such Robbery at the Dwelling-house of such Constable, Boholder, Headborough, or Tythingman, describing in such Notice, to be given or left as aforesaid, so far as the Nature and Circumstances of the Case will admit, the Felon or Felons, and the Time and Place of the Robbery; and also shall, within the Space of Twenty Days next after the Robbery committed, cause publick Notice to be given thereof in the London Gazette, therein likewise describing, so far as the Nature and Circumstances of the Case will admit, the Felon or Felons, and the Time and Place of such Robbery, together with the Goods and Effects, whereof he, she, or they was or were robbed; and shall also, before any such Action be commenced, go before the Chief Clerk or Secondary, or the Filazer of the County wherein such Robbery shall happen, or the Clerk of the Pleas of that Court wherein such Action is intended to be brought, or their respective Deputies, or before the Sheriff of the County wherein the Robbery shall happen, and enter into a Bond to the High Constable or High Constables of the Hundred in which such Robbery shall be committed, in the penal Sum of One hundred Pounds, with Two sufficient Sureties, to be approved of by such Chief Clerk, Secondary, Filazer, or Clerk of the Pleas, or their respective Deputies, or the Sheriff of the said County, with Condition for securing to such High Constable or High Constables (who are hereby impowered and required to enter, or cause to be entered, an Appearance, and also to defend such Action, as herein after is mentioned) the due Payment of his or their Costs, after the same shall be taxed

Preamble, reciting the Acts 13 *Edw.* I. and 27 *Eliz.* c. 13.

After 24 *June*, 1735. no Person to sue the Hundred in case of Robbery, without first giving Notice to a Constable, &c. describing the Felon, and publishing the Case in the *L. Gazette* within 20 Days after the Robbery, and giving Security of 100 *l.* to the High Constable, to pay Costs, if cast.

Stanye. 1170.

2 Barnes. 375, 372.

taxed by the proper Officer, in case that he, she, or they (the Plaintiff or Plaintiffs in such Action) shall happen to be nonsuited, or shall discontinue his, her, or their Action, or in case that Judgement shall be given against such Plaintiff or Plaintiffs on Demurrer, or that a Verdict shall be given against him, her, or them.

The Sheriff to certify such Bond,

II. And be it enacted by the Authority aforesaid, That when any such Bond, as above mentioned, shall be entered into before the said Sheriff, such Sheriff shall immediately certify the same in Writing to the Chief Clerk or Secondary in the Court of King's Bench, or his or their Deputy, or to the Filazer of that County wherein such Robbery shall be committed, or his Deputy, in case the Action be intended to be brought in the Court of Common Pleas, or, if in the Court of Exchequer, to the Clerk of the Pleas, or his Deputy; which Certificate shall be delivered, by the Party or Parties robbed, to the said Chief Clerk or Secondary, or his or their Deputy, or to such Filazer, or his Deputy, or to such Clerk of the Pleas, or his Deputy, before any Process shall issue for the Commencement of such Suit as aforesaid; and such Chief Clerk, Secondary, Filazer, or Clerk of the Pleas, or their respective Deputies, or the said Sheriff, shall not take any greater Fee or Reward for making such Bond than Five Shillings over and above the Stamp Duties; nor shall any Sheriff take any greater Fee or Reward for making, nor shall any such Chief Clerk, Secondary, Filazer, or Clerk of the Pleas, or their respective Deputies, take any greater Fee or Reward for receiving and filing, such Certificate, than Two Shillings and Six Pence; and such Chief Clerk, Secondary, Filazer, or Clerk of the Pleas, or their respective Deputies, and Sheriff, as aforesaid, are hereby required to deliver over gratis (upon reasonable Request made for that Purpose) all and every such Bonds, to be by them respectively taken pursuant to this present Act, to the High Constable or High Constables to whose Use the same shall be taken, as aforesaid.

and the Certificate thereof to be delivered to the Chief Clerk, &c. before Process granted.

The Fees.

The Bond to be delivered *gratis* to the High Constable.

Hundred not chargeable, if one of the Felons be apprehended in 40 Days after Notice in the *Gazette*.

III. And be it further enacted by the Authority aforesaid, That no Hundred, or Franchise therein, shall be chargeable by Virtue of the above mentioned or any other Statute, if one or more of the Felons, by whom such Robbery shall be committed, be apprehended within the Space of Forty Days next after such publick Notice given in the London Gazette as aforesaid.

High Constable only to be served with the Process,

who is to give publick Notice thereof on the next Market Day,

or in the Parish Church,

and shall enter Appearance;

if the Plaintiff recover,

IV. Be it likewise enacted by the Authority aforesaid, That no Process for Appearance in any Action to be brought upon the said Statutes, or either of them, against any Hundred, shall be served on any Inhabitant thereof, save only upon the High Constable or High Constables of the Hundred wherein the Robbery shall happen, who is and are hereby required to cause publick Notice thereof to be given in One of the principal Market Towns within such Hundred on the next Market Day after he or they shall be served with such Process, or if there shall happen to be no Market Town within such Hundred then in some Parish Church within the Hundred immediately after Divine Service on the Sunday next after his or their being served with such Process, and he or they is and are also hereby impowered and required to enter, or cause to be entered, an Appearance in the said Action, and also to defend the same for and on Behalf of the Inhabitants of the said Hundred, as he or they shall be advised; And in case the Plaintiff or Plaintiffs in such Action shall recover and obtain Judgement therein, that then no Process of Execution shall be served on any particular Inhabitant or Inhabitants of the said Hundred, or any Franchise within the Precinct thereof, nor on the said High Constable or High Constables; but the Sheriff or his Officer shall, upon the Receipt of any Writ or Writs of Execution to him directed in pursuance of the said Judgement (instead of serving the said Writ or Writs on any Inhabitant or Inhabitants) cause the same to be produced and shewn gratis unto Two Justices of the Peace of the County, Riding, or Division (whereof One to be of the Quorum) and residing within the said Hundred, or near unto the same, who shall thereupon with all convenient Speed cause such Taration and Assessment to be made, and to be levied and collected in such Manner as is prescribed in and by the aforesaid Statute made in the Twenty seventh Year of the Reign of Queen Elizabeth, in which Taration and Assessment there shall be provided for and included, over and above what the Costs and Damages recovered by the Plaintiff or Plaintiffs in such Action shall amount to, all such just and necessary Expences which any High Constable or High Constables of any Hundred hath or have been, or shall be at, in having defended any such Action as aforesaid, claim being made thereto by such High Constable or High Constables before the said Justices, upon due Notice being given to him or them by the said Justices for that Purpose; and the Sums of Money so to be levied and collected, shall be paid over and delivered (by such Officer or Officers, as by the said Statute made in the Twenty seventh Year of the Reign of Queen Elizabeth, are to levy and collect the same) within Ten Days after such Collection, to the Sheriff of the County wherein the Robbery shall happen, to the Use and Behoof of the Plaintiff or Plaintiffs in such Action, for so much as the Costs and Damages by him, her, or them recovered, shall amount to, and to the Use and Behoof of the said High Constable or High Constables, for so much as his or their Expences in defending the said Action shall amount to, of which the said High Constable or High Constables shall give in an Account, and make due Proof upon Oath, to the Satisfaction of the said Justices, before any such Taration and Assessment shall be made for the reimbursing such High Constable or High Constables (which Oath the said Justices are hereby authorized and required to administer) and shall in such Expences have no further Allowance toward paying an Attorney to defend the said Action, than what such Attorney's Bill shall be taxed at by the proper Officer of that Court where such Action shall be brought, which the said High Constable or High Constables shall cause to be taxed for that Purpose.

the Sheriff to shew the Writ of Execution to Two Justices,

22 G. 2. C. 46.

who are to tax and levy the Charge as by Stat. 27 *Eliz.*

The Money to be paid in 10 Days after Collection, to the Sheriff, for the Use of the Plaintiff, &c.

The Money to be paid without Fee.

V. And be it also enacted by the Authority aforesaid, That the Sum or Sums of Money which shall be paid over and delivered to the Sheriff of the County, as is herein before mentioned, shall (upon reasonable Request made) be by him paid and delivered

delivered over to the ſeveral Parties who ſhall be intitled to receive the ſame, without any Deduction, Fee, or Reward whatſoever.

VI. And that ſufficient Time may not be wanting for ſuch Taxation and Aſſeſſment to be duly made, and for the Money to be levied and collected thereupon, after ſuch Writ or Writs of Execution ſhall be ſhewn to ſuch Juſtices, and before the Sheriff ſhall be obliged to make a Return thereof; be it enacted by the Authority aforeſaid, That no Sheriff ſhall be called upon or required to make any Return to any ſuch Writ or Writs of Execution, as ſhall iſſue or be made out upon any Judgement, which ſhall be recovered in an Action brought againſt any Hundred, by virtue of the above mentioned Statutes, or either of them, until after the Expiration of Sixty Days next after the Day whereupon ſuch Writ or Writs ſhall be delivered to the ſaid Sheriff, who is hereby required to indorſe, on the Back thereof, the Day on which he received the ſame. Sheriff not obliged to make a Return to the Writ, till 60 Days after Delivery.

VII. And whereas it is reaſonable that the ſaid High Conſtable or High Conſtables ſhould be indemnified as to all Charges which he or they ſhould neceſſarily expend in defending any Suit in purſuance of this preſent Act, and that Proviſion ſhould be made for reimburſing him or them, not only all ſuch Expences as ſhall be over and above the taxed Coſts to be paid by the Plaintiff or Plaintiffs in caſe of a Nonſuit, or Diſcontinuance, or Judgement on Demurrer againſt him, her, or them, or Verdict for the Defendants, as aforeſaid, but even ſuch taxed Coſts alſo, in caſe the Plaintiff or Plaintiffs, and his, her, or their Sureties, who ſhall be bound for the Payment thereof, ſhall happen to become inſolvent; be it therefore enacted by the Authority aforeſaid, That if any Plaintiff or Plaintiffs, in any Action to be brought againſt any Hundred upon the Statutes above mentioned, or either of them, ſhall be nonſuited, or ſhall diſcontinue his, her, or their Action, or ſhall have a Judgement on Demurrer given, or a Verdict paſs, againſt him, her, or them, it ſhall and may be lawful for any Two Juſtices of the Peace (ſuch as are herein before mentioned) upon Complaint to them made for that Purpoſe, and upon an Account given in by ſuch High Conſtable or High Conſtables, and Proof made upon Oath to the Satisfaction of the ſaid Juſtices, of ſuch Expences neceſſarily laid out as aforeſaid (which Oath the ſaid Juſtices are hereby impowered and required to adminiſter) to make and cauſe ſuch Taxation and Aſſeſſment to be made, and to be levied and collected in ſuch Manner, as is directed in and by the above mentioned Statute, made in the Twenty ſeventh Year of the Reign of Queen Elizabeth, as aforeſaid, in order thereby to reimburſe ſuch High Conſtable or High Conſtables all ſuch Charges as he or they ſhall have neceſſarily expended in defending ſuch Action, wherein ſuch Plaintiff or Plaintiffs ſhall have been nonſuited, or ſhall have diſcontinued his, her, or their Action, or againſt whom Judgement ſhall have been given upon Demurrer, or a Verdict ſhall have been given, over and above the Coſts in thoſe Caſes to be taxed as aforeſaid; and in caſe it ſhall be made appear upon Oath to the ſaid Juſtices of Peace (which Oath the ſaid Juſtices are hereby alſo impowered and required to adminiſter) to their Satisfaction, that ſuch Plaintiff or Plaintiffs, and alſo his or their Sureties, is and are inſolvent, ſo that the ſaid High Conſtable or High Conſtables can have no Relief, as to ſuch taxed Coſts by them expended in ſuch Defence as aforeſaid (ſave only by the Power herein after given to the ſaid Juſtices) it ſhall and may be lawful to and for ſuch Two Juſtices of the Peace to make and cauſe a Taxation and Aſſeſſment to be made, and to be levied and collected, in the ſame Manner as is directed in and by the aforeſaid Statute made in the Reign of Queen Elizabeth, in order thereby to reimburſe ſuch High Conſtable or High Conſtables ſuch taxed Coſts, as, by reaſon of ſuch Inſolvency, he or they ſhall not be able to recover and receive of and from the Plaintiff or Plaintiffs in the Action, or his or their Sureties, as aforeſaid. How the High Conſtable ſhall be reimburſed if the Plaintiff be nonſuited, &c.

VIII. And be it further enacted by the Authority aforeſaid, That the ſeveral Sum or Sums of Money, which ſhall be rated, and aſſeſſed, and levied, and collected, as aforeſaid, for the Reimburſement of the Expences neceſſarily ſuſtained by any High Conſtable or High Conſtables, in Defence of any Action brought againſt the Hundred, upon the Statutes above mentioned, or either of them, in caſe of any Judgement given againſt the Plaintiff or Plaintiffs, ſhall be paid, within Ten Days after ſuch Collection, unto the ſaid Juſtices, or one of them, to the Uſe and Behoof of ſuch High Conſtable or High Conſtables, to whom the ſaid Juſtices ſhall upon Requeſt pay and deliver over the ſame. Money levied for reimburſing the High Conſtable to be paid within 10 Days.

IX. And to the Intent that Hue and Cry may be made with more Diligence and Effect, and other Perſons encouraged to take ſuch Felon or Felons, be it further enacted by the Authority aforeſaid, That any Perſon or Perſons who ſhall apprehend ſuch Felon or Felons, within the Time herein before limited for that Purpoſe, whereby the Hundred hath been actually indemnified or diſcharged from any ſuch Action, as aforeſaid, ſhall upon due Proof thereof upon Oath made before ſuch Two Juſtices as aforeſaid (which Oath the ſaid Juſtices are hereby alſo impowered and required to adminiſter) be intitled to the Reward of Ten Pounds (which Sum ſhall be raiſed upon the Hundred by a Taxation and Aſſeſſment, to be made, and to be levied and collected in the ſame Manner, as the other Sums of Money by this preſent Act appointed to be raiſed upon the Hundred are directed to be aſſeſſed, levied, and collected) and ſuch Sum of Ten Pounds, which ſhall be ſo rated, aſſeſſed, levied, and collected, as aforeſaid, ſhall be paid unto ſuch Two Juſtices of the Peace, within Ten Days next after the ſame ſhall be ſo levied and collected, to the Uſe of the Perſon or Perſons who ſhall be thereunto intitled, as a Reward for having ſo apprehended ſuch Felon or Felons as aforeſaid; and ſuch Juſtices ſhall, upon reaſonable Requeſt made for that Purpoſe, pay over and deliver the ſaid Sum to ſuch Perſon or Perſons accordingly, in ſuch Shares and Proportions as the ſaid Juſtices ſhall think reaſonable; provided always, That ſuch Perſon or Perſons, ſo intitled to ſuch Reward, ſhall not be thereby rendered incapable to be a Witneſs in any ſuch Action. 10 l. Reward for apprehending a Felon, ſo as to indemnify the Hundred.

How the Aſſeſſments are to be made.

X. And be it alſo enacted by the Authority aforeſaid, That the Juſtices of Peace, by whom ſuch Taxations and Aſſeſſments, as aforeſaid, ſhall, in purſuance of the ſaid Statute made in the Twenty ſeventh Year of the Reign of Queen Elizabeth, and alſo of this preſent Act, be made, ſhall limit and appoint at their Diſcretion ſome certain reaſonable Time within which ſuch Taxations and Aſſeſſments ſhall be levied and collected, which Time ſhall not exceed Thirty Days; and alſo that if any ſuch Officer or Officers, who are to levy and collect ſuch Taxations and Aſſeſſments, as aforeſaid, ſhall refuſe or neglect to levy and collect the ſame within ſuch Time as ſhall be limited and appointed by the ſaid Juſtices of Peace for their doing thereof, or ſhall refuſe or neglect to pay and deliver over the Sums of Money, ſo levied and collected, to the ſaid Sheriff, and alſo to the ſaid Juſtices, in ſuch Manner as the ſame in the ſeveral Caſes herein before mentioned are reſpectively directed to be paid, within the reſpective Times herein before limited for ſuch Payment thereof, every ſuch Officer ſhall for every ſuch Refuſal or Neglect forfeit double the Sum appointed to be by him levied and collected as aforeſaid.

Penalty on Collectors not doing their Duty.

Method of purſuing *Hue* and *Cry*.

XI. And whereas by the above mentioned Statutes it is enacted, That freſh Suit and *Hue* and *Cry* ſhall be made and purſued, and in what Manner the ſame ſhall be, yet no particular Perſon or Perſons is thereby expreſly required to make and cauſe ſuch *Hue* and *Cry* and Purſuit to be made, whence it hath often happened, that the ſame hath been ſo much neglected and delayed, that Felons have had time to make their Eſcape, and the Intention of the ſaid Statutes hath been thereby in great Meaſure fruſtrated; be it further enacted by the Authority aforeſaid, That every Conſtable, Boſholder, Headborough, or Tythingman, to whom Notice ſhall be given, or at whoſe Dwelling-houſe Notice of any Robbery ſhall be left, as aforeſaid, and that every Conſtable of the Hundred, and every Conſtable, Boſholder, Headborough, or Tythingman, of any Town, Pariſh, Village, Hamlet, or Tything, within the Hundred or the Franchiſes within the Precinct thereof, wherein ſuch Robbery ſhall happen, as ſoon as the ſame ſhall come to his Knowledge, either by Notice from the Party or Parties robbed, or from any other Perſon or Perſons to whom Notice ſhall be given thereof purſuant to this preſent or any other Statute, ſhall with the utmoſt Expedition make and cauſe to be made freſh Suit and Hue and Cry after the Felon or Felons by whom ſuch Robbery ſhall be committed; and if any Conſtable, Boſholder, Headborough, or Tythingman, ſhall offend in the Premiſſes, by refuſing or neglecting to make, or cauſe to be made, ſuch Freſh Suit and Hue and Cry as aforeſaid, every ſuch Offender ſhall for every ſuch Refuſal or Neglect forfeit Five Pounds.

5 *l.* Penalty on Refuſal or Neglect.

Penalties how to be levied.

XII. And be it enacted by the Authority aforeſaid, That every Forfeiture hereby incurred ſhall be recovered with full Coſts of Suit, and ſhall be and enure, as to One Moiety thereof, to the Uſe of the King's moſt Excellent Majeſty, and as to the other Moiety thereof, to the Uſe of ſuch Perſon or Perſons as ſhall ſue for the ſame within Six Months next after ſuch Forfeiture ſhall be incurred, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoign, Privilege, Protection, or Wager of Law ſhall be allowed, nor any more than One Imparlance.

General Iſſue.

XIII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for any thing done in purſuance of this or either of the herein before recited Statutes, That in every ſuch Caſe the Defendant or Defendants in ſuch Action, Suit, or Information, may plead the General Iſſue, and give this and the aforeſaid Statutes, or either of them, and the ſpecial Matter in Evidence, at any Trial to be had thereupon; and if the Plaintiff or Proſecutor ſhall become nonſuit, or ſhall diſcontinue or forbear his or her Action or Proſecution, or if a Verdict ſhall paſs againſt the Plaintiff or Proſecutor, or Judgement ſhall be given againſt him or her, upon Demurrer, or otherwiſe, the Defendant or Defendants may and ſhall recover full Coſts, for which he or they ſhall have the like Remedy as Defendants have by Law in other Caſes of Coſts.

Full Coſts.

Limitation of Actions.

XIV. Provided always, That no ſuch Action, Suit, or Information, ſhall be brought or exhibited, but within the Space of Six Months next after the Matter or Thing done, for which the ſame ſhall be commenced or exhibited, as aforeſaid.

Any Inhabitant may give Evidence for the Hundred.

XV. And whereas by the Laws now in being, the Perſon or Perſons robbed may be admitted, in any Action to be brought againſt the Hundred, as a Witneſs, to prove the Robbery, and the Money, Goods, or Effects, whereof he, ſhe, or they was or were robbed, and yet no Perſon inhabiting within the ſaid Hundred can be admitted as a Witneſs for or on Behalf of the ſaid Hundred, by Reaſon of the Intereſt he or ſhe may have in the Conſequences of the ſaid Action, which is commonly very inconſiderable; be it therefore enacted by the Authority aforeſaid, That in any Action already brought, or to be brought, againſt any Hundred, on either of the aforeſaid Statutes, any Perſon inhabiting within the ſaid Hundred or any Franchiſe thereof, ſhall be admitted as a Witneſs for or on Behalf of the ſaid Hundred, in the ſame Manner as if he or ſhe were not an Inhabitant thereof, but reſided in any other Hundred whatſoever.

CAP. XVII.

An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpoſe.

Preamble, reciting 1 *Geor* I. *cap.* 13.

WHEREAS divers Perſons, who on Account of their Offices, Places, Employments, or Profeſſions, or any other Cauſe or Occaſion, ought to have taken and ſubſcribed the Oaths, or the Aſſurance reſpectively appointed to be taken by ſuch Perſons, in and by an Act made in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, of Glorious Memory, intituled, *An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants*; *and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*, or to have qualified themſelves according to an Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers which may happen from Popiſh Recuſants*, by receiving the Sacrament of the Lord's Supper according to the Uſage of the Church of *England*, and making and ſubſcribing the Declaration againſt Tranſubſtantiation therein mentioned, have through ignorance

25 *Car.* II. *cap.* 2.

norance of the Law, Abſence, or ſome unavoidable Accident, omitted to take and ſubſcribe the ſaid Oaths or Aſſurance, or otherwiſe to qualify themſelves as aforeſaid, within ſuch Time, and in ſuch Manner, as in and by the ſaid Acts reſpectively, or by any other Act of Parliament in that Behalf made and provided, is required, whereby they may be in Danger of incurring divers Penalties and Diſabilities, &c.

CAP. XVIII.

An Act to continue ſome Laws therein mentioned, relating to the Encouragement of the making of Sail Cloth in *Great Britain*, and for Encouragement of the Silk Manufactures of this Kingdom.

WHEREAS the Laws herein after mentioned (which have by Experience been found uſeful and beneficial) are near expiring, **may it therefore pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Act made in the Twelfth Year of the Reign of Her late Majeſty Queen** Anne, **intituled,** An Act for the better Encouragement of the making of Sail Cloth in *Great Britain*, **which was to continue in Force for Seven Years, from the One and twentieth Day of** July, **One thouſand ſeven hundred and thirteen, and from thence to the End of the then next Seſſion of Parliament; and which was, by an Act made in the Fifth Year of His late Majeſty's Reign, continued for Seven Years longer, and from thence to the End of the then next Seſſion of Parliament; and which, by another Act made in the Tenth Year of the Reign of His ſaid late Majeſty, was further continued for Seven Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby further continued from the Expiration thereof, until the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.** Preamble. The Sail Cloth Act 12 *Annæ*, *ſt.* 1. *cap.* 16. continued till 25 *March*, 1742.

II. **And be it further enacted by the Authority aforeſaid, That the ſeveral Clauſes contained in an Act made in the Eighth Year of the Reign of His late Majeſty, intituled,** An Act for the Encouragement of the Silk Manufactures of this Kingdom, and for taking off ſeveral Duties on Merchandizes exported; and for reducing the Duties upon Beaver Skins, Pepper, Mace, Cloves, and Nutmegs imported; and for Importation of all Furs of the Product of the *Britiſh* Plantations into this Kingdom; and that the Two Corporations of Aſſurance, on any Suits brought on their Policies, ſhall be liable only to ſingle Damages, and Coſts of Suit, **relating to the Encouragement of the Silk Manufactures of this Kingdom, and for taking off ſeveral Duties on Merchandizes exported, which were to continue in Force for Three Years, from the Five and twentieth Day of** March, **One thouſand ſeven hundred and twenty two, and from thence to the End of the then next Seſſion of Parliament; and which ſaid Clauſes were, by an Act made in the Eleventh Year of His late Majeſty's Reign, continued from the Expiration thereof for Three Years, and from thence to the End of the then next Seſſion of Parliament; and by another Act made in the Second Year of His preſent Majeſty's Reign, are further continued, from the Expiration thereof, till the Nine and twentieth Day of** September, **One thouſand ſeven hundred and thirty four, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame are hereby continued, from the Expiration thereof until the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.** Several Clauſes in the Act *for encouraging the Silk Manufactures*, 8 *Geor.* I. *cap.* 15. continued till 25 *March*, 1742.

III. **And be it further enacted by the Authority aforeſaid, That the two laſt Clauſes in an Act made in the Ninth Year of the Reign of his late Majeſty** (For continuing of ſome Laws, and reviving others, therein mentioned) **for more effectual preventing Frauds in mixing Silks with Stuffs to be exported, which ſaid Clauſes are by an Act made in the Second Year of the Reign of His preſent Majeſty, to continue in Force to the Nine and twentieth Day of** September, **One thouſand ſeven hundred and thirty four, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and are hereby further continued, until the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.** The two laſt Clauſes in an Act 9 *Geor.* I. c. 8. relating to Frauds in Silk and Stuffs, continued till 25 *March*, 1742.

CAP. XIX.

An Act to continue an Act paſſed in the Third Year of His preſent Majeſty's Reign, intituled, *An Act for granting Liberty to carry Rice from His Majeſty's Province of* Carolina *in* America, *directly to any Part of* Europe *Southward of* Cape Finiſterre, *in Ships built in, and belonging to* Great Britain, *and navigated according to Law*; and to extend that Liberty to His Majeſty's Province of *Georgia* in *America*.

WHEREAS an Act paſſed in the Third Year of the Reign of His preſent Majeſty, intituled, *An Act for granting Liberty to carry Rice from His Majeſty's Province of* Carolina *in* America, *directly to any Part of* Europe *Southward of* Cape Finiſterre, *in Ships built in, and belonging to* Great Britain, *and navigated according to Law*, which was to be in Force for Five Years, from the Nine and twentieth Day of *September*, One thouſand ſeven hundred and thirty, and from thence to the End of the then next Seſſion of Parliament, and has been found uſeful and beneficial, and therefore fit to be continued; **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act ſhall be and is hereby further continued from the Expiration thereof, until the Twenty ninth Day of** September, **which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.** Preamble reciting 3 *Geo.* II. *cap.* 28. The Rice Act 3 *Geor.* II. continued to 29 *Sept.* 1742.

II. And whereas ſince the paſſing the ſaid Act His Majeſty, by his Letters Patent bearing Date the Ninth Day of *June* in the Fifth Year of His Reign, did, amongſt other things, moſt graciouſly give and grant to the Truſtees for eſtabliſhing the Colony of *Georgia* in *America*, and their Succeſſors, Seven undivided Parts (the whole into Eight equal Parts to be divided) of all thoſe Lands, Countries, and Territories, ſituate, lying, and being in that Part of *South Carolina* in *America* which lies from the moſt Northern Stream of a River there commonly called *The Savannah*, all along the Sea Coaſt to the Southward unto the moſt Southern Stream of a certain other great Water or River called *The Alatamaha*, and Weſtward from the Heads Recital of Part of the Patent for eſtabliſhing the Colony of *Georgia*.

Heads of the ſaid Rivers reſpectively in direct Lines to the *South Sea*, and all that Space, Circuit, and Precinct of Land lying within the ſaid Boundaries, with the Iſlands in the Sea lying oppoſite to the Eaſtern Coaſt of the ſaid Lands within Twenty Leagues of the ſame: And whereas His Majeſty, by His ſaid Letters Patent, did make, erect, and create, the ſaid Lands, Countries, and Territories, into one Independent Province, by the Name of *Georgia*: And whereas Doubts may ariſe whether ſince the Separation of the ſaid Province of *Georgia* from the ſaid Province of *South Carolina* as aforeſaid Rice may be exported from the ſaid Province of *Georgia* to any Part of *Europe* Southward of *Cape Finiſterre* in the ſame Manner as from the ſaid Province of *Carolina*: For preventing thereof, and for Encouragement of the ſaid Province of Georgia, be it enacted by the Authority aforeſaid, That from and after the First Day of September, One thouſand ſeven hundred and thirty five, it ſhall and may be lawful for any of His Majeſty's Subjects in any Ship or Veſſel built in Great Britain or belonging to any of His Majeſty's Subjects reſiding in Great Britain, and navigated according to Law, that ſhall clear outwards in any Port of Great Britain for the Province of Georgia in America, to ſhip or load Rice in the ſaid Province, and to carry the ſame directly to any Port Southward of Cape Finiſterre, without carrying the ſame to any other of His Majeſty's Plantations in America, or to Great Britain, under the like Entries, Securities, Reſtrictions, Regulations, Limitations, Duties, Penalties, and Forfeitures, as are particularly deſcribed, appointed, limited, or enacted for that Purpoſe, in and by the ſaid Act of the Third Year of the Reign of His preſent Majeſty, intituled, An Act for granting Liberty to carry Rice from His Majeſty's Province of *Carolina* in *America*, directly to any Part of *Europe*, Southward of *Cape Finiſterre*, in Ships built in, and belonging to *Great Britain*, and navigated according to Law.

The ſaid Act extended to *Georgia*.

The Powers of the Officers to be appointed by the ſaid Truſtees.

III. And be it further enacted by the Authority aforeſaid, That the Officers which ſhall be for that Purpoſe appointed by the Truſtees for eſtabliſhing the Colony of Georgia in America, ſhall and may and are hereby authorized and impowered to do and execute all and every the Matters and Things in the Province of Georgia aforeſaid, which ſhall and may be done by virtue of the ſaid Act by any of the Officers belonging to any of the Ports in the Province of Carolina.

CAP. XX.

An Act for rendring the Laws more effectual for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways, or Locks, or other Works erected by Act of Parliament for making Rivers navigable, and for other Purpoſes therein mentioned.

Preamble, reciting the Turnpike Act 1 *Geor.* II. *cap.* 19.

5 *Geo.* II. *cap.* 33.

WHEREAS an Act of Parliament paſſed in the First Year of His preſent Majeſty's Reign, *For puniſhing ſuch Perſons as ſhould wilfully and maliciouſly pull down or deſtroy Turnpikes for repairing Highways, or Locks, or other Works erected by Authority of Parliament for making Rivers navigable*; and in the fifth Year of His preſent Majeſty's Reign, another Act paſſed to explain, amend, and render more effectual the ſaid Act: And whereas the Proviſions made by the ſaid Acts for puniſhing ſuch Offenders, have, by Experience, been found to be inſufficient; now for rendring the ſaid Acts more effectual, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

After 15 *May*, 1735, Perſons maliciouſly deſtroying Turnpikes, &c.

That if any Perſon or Perſons whatſoever, after the Fifteenth Day of May, in the Year of our Lord One thouſand ſeven hundred and thirty five, ſhall, either by Day or Night, wilfully or maliciouſly pull down, cut down, pluck up, throw down, level, or otherwiſe deſtroy any Turnpike Gate, or Turnpike Gates, or any Poſt or Poſts, Rail or Rails, Wall or Walls, or any Chain, Bar, or other Fence or Fences belonging to any ſuch Turnpike Gate, or Turnpike Gates, or any other Chain, Bar, or Fence of any Kind whatſoever, ſet up or erected, or hereafter to be ſet up or erected, to prevent Paſſengers from paſſing by without paying any Toll, laid and directed to be paid by any Act or Acts of Parliament already made, or hereafter to be made, for that Purpoſe, or any Houſe or Houſes erected or to be erected for the Uſe of any ſuch Turnpike Gate, or Turnpike Gates, or any other Fence or Fences, or any Lock, Sluice, Flood-gate, or other Works on any navigable River, erected or to be erected by Authority of Parliament; or forcibly reſcue any Perſon or Perſons being lawfully in Cuſtody of any Officer, or other Perſon, for any of the Offences before mentioned; that then and in any of the ſaid Caſes, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

Locks or Sluices erected by Parliament,

or reſcuing Perſons in Cuſtody for ſuch Offences,

to ſuffer death.

A Month's Impriſonment on malicious drawing up Flood-gates, &c.

II. And be it further enacted, That if any Perſon or Perſons, after the ſaid Fifteenth Day of May, ſhall wilfully and maliciouſly draw or pluck up any Flood-gate or Flood-gates, fixed or made in any Wear or Wears, Lock or Locks, erected or made, or hereafter to be erected or made, by Authority of Parliament, in or upon any navigable River, for preſerving the Navigation thereof; all and every ſuch Perſon or Perſons ſo offending, being thereof lawfully convicted upon the Oath of One or more credible Witneſs or Witneſſes, before Two or more Juſtice or Juſtices of the Peace for the County, Riding, or Diviſion, where any ſuch Offence or Offences ſhall be committed, or of the adjacent County, Riding, or Diviſion, ſhall be ſent to the Houſe of Correction, there to continue and be kept to hard Labour for the Space of One Month.

Offences may be tried in any adjacent County.

III. And for the better and more impartial Trial of any Indictment which ſhall be found, commenced and proſecuted, for the Offences committed againſt this Act, be it enacted by the Authority aforeſaid, That every Offence aforeſaid, that ſhall be done or committed contrary to this Act, ſhall and may be enquired of, examined, tried, and determined in any adjacent County within that Part of the Kingdom of Great Britain called England, in ſuch Manner and Form as if the Fact had been therein committed.

IV. Provided

IV. Provided that no Attainder for any of the Offences made Felony by Virtue of this Act shall make or work Corruption of Blood, Loss of Dower, or Forfeiture of Lands or Tenements, Goods or Chattels. Attainder on this Act not to work Corruption of Blood, &c.

V. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time after the said Fifteenth Day of May, in the Year of our Lord One thousand seven hundred and thirty five, commit any of the Offences declared to be Felony by this Act, and, being out of Prison, shall discover and apprehend, or cause to be discovered and apprehended, One or more Person or Persons who shall commit any such Offence or Offences, declared to be Felony, as aforesaid, so as he, she, or they, shall be thereof lawfully convicted, every such Person or Persons on Conviction of the Offender or Offenders so to be apprehended, shall have, and is hereby intitled to His Majesty's most gracious Pardon for the Felonies aforesaid, which he, she, or they shall have committed, at any Time or Times before such Discovery made, which Pardon shall be likewise a good Bar to any Appeal brought, or to be brought, for any such Felony. Person discovering and convicting others guilty of the said Felonies shall be pardoned.

VI. And be it further enacted by the Authority aforesaid, That from and after the said Fifteenth Day of May, the Inhabitants of every Hundred in that Part of the Kingdom of Great Britain called England, within which such Offence or Offences shall be committed, by pulling down, or otherwise destroying any Turnpike Gate or Gates, or any Post or Posts, Rail or Rails, Wall or Walls, belonging to any Turnpike Gate or Gates, or any Chain, Bar, or Fence, or any House or Houses set up or erected, or to be set up or erected, for the Use or Service of collecting the Tolls, at any Place appointed by the Commissioners, or any Five or more of them, acting under any Act or Acts of Parliament enabling them to act as Commissioners for amending any Road or Roads, Highway or Highways, or any Lock, Sluice, or Floodgate, or any Works erected, or to be erected, by Authority of Parliament, upon any navigable River, for preserving or securing the Navigation thereof, shall make full Satisfaction for the Damages, that shall be thereby suffered; and that the said Damages shall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, by and in the Name of the Clerk of the Peace of the County for the time being, wherein such Offence or Offences shall be committed, without naming the Christian Name, or Surname, of the Clerk of the Peace; and the said Damages, so to be recovered, shall be to the only Use and Behoof of the Trustees, Commissioners, Proprietors, or Undertakers, of any Turnpike or navigable River, to be by them applied and disposed of to the several Uses and Purposes, and in such Manner, as the several Tolls, Rates, and Duties, by virtue of any Act or Acts of Parliament made, or to be made, are or shall be applied and disposed of, the Sum to be recovered against the Inhabitants of such Hundred as shall by this Act be made liable to answer all or Part thereof not exceeding for any Offence the Sum of Twenty Pounds; and all and every the Inhabitants of such Hundred shall be rateably and proportionably taxed for and towards an equal Contribution for the Relief of such Inhabitant or Inhabitants, against whom Execution for such Damages shall be had and levied, which Tax shall be levied and and raised by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned for the levying and raising Damages recovered against Inhabitants of Hundreds in Case of Robberies, in and by an Act, intituled, An Act for the following *Hue* and *Cry*, made in the Twenty seventh Year of the Reign of Queen Elizabeth. The Hundred to answer the Damages. How to be recovered, and applied. The said Damages not to exceed 20*l.* for one Offence. The Inhabitants to be rateably taxed, as in *Hue* and *Cry* by 27 *Eliz. cap.* 13.

VII. Provided always, and be it further enacted by the Authority aforesaid, That where any Offence shall be committed against this Act, and any One or more of the said Offenders shall be apprehended, and lawfully convicted of such Offence, within Twelve Months next after such Offence shall be committed, any Hundred, or Inhabitants thereof, subject or liable to make any Satisfaction for the Damages that shall be sustained by any of the Offences aforesaid, and who shall have made such Satisfaction, shall, upon such Conviction of any One or more of the said Offenders within the Time aforesaid, be repaid the Sums they have paid for such Satisfaction, out of the Tolls of the Turnpike which shall so be pulled down; any Thing herein contained to the contrary notwithstanding. On Conviction of one or more Offenders in 12 Months, the Hundred or Inhabitants to be repaid out of the Tolls.

VIII. And be it further enacted by the Authority aforesaid, That if any Clerk of the Peace of or in any County within that Part of Great Britain called England shall at any Time hereafter commence or prefer any such Action, Bill, Plaint, or Information, and shall, after the same so sued, commenced, or preferred, happen to die or be removed out of his Office before Recovery and Execution had, that no such Action, Bill, Plaint, or Information, sued, commenced, or preferred, shall by such Displacing or Death be abated or discontinued; but it shall and may be lawful to and for the Clerk of the Peace next succeeding in the said County, to prosecute, pursue, and follow all and every such Action, Bill, Plaint, or Information, so depending for such Damages as shall be sustained by any such Offence or Offences as aforesaid, in such Manner and Form to all Intents and Purposes as the Clerk of the Peace might have done, who first preferred the said Action, Bill, Plaint, or Information. Actions commenced by a Clerk of the Peace, not to be discontinued on his Death.

IX. Provided nevertheless, That no Action of Debt, Bill, Plaint, or Information, shall be had, sued, or prosecuted, to recover any Damages by virtue of this Act, unless Information upon Oath shall be made thereof, within Six Days, before some Justice of the Peace of the County, Liberty, or Division where such Offence or Offences shall be committed, inhabiting within the said Hundred, or near the same. No Action for recovering Damages, unless Information made within 6 Days,

X. Provided also, That no Action of Debt, Bill, Plaint, or Information shall be had, sued, or prosecuted, to recover any Damages to be sustained by Reason of any Offence or Offences to be committed contrary to this Act, against any Inhabitant of any Hundred where such Offence or Offences shall be committed, except such Action or Suit shall be commenced within Six Months next after such Offence shall be committed. and the Suit commenced in 6 Months after the Offence.

5 *l.* Penalty on assaulting or threatning Collectors of Tolls, or forcibly passing through Turnpikes, &c.

XI. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall assault any Collector or Collectors of the Toll, or threaten him or them in the Execution of his or their Office or Offices, or shall forcibly pass through any Turnpike Gate or Gates, Rail or Rails, Chain or Chains, or other Fence or Fences, set up, or to be set up, by Authority of Parliament, without paying the Toll appointed to be paid at such Gate, or other Fence; or if any Person or Persons shall forcibly carry away, or detain any Collector or Collectors of the Toll, so as he, she, or they shall not be able to return to their Duty for the space of Three Days, that then and in any of the said Cases, the Party or Parties so offending, upon Conviction by Oath of One or more credible Witness or Witnesses, before Two or more Justices of the Peace of the County, Liberty, or Division, where such Offence or Offences shall be committed, inhabiting near the said Division or Place (who are hereby impowered to summon the Party or Parties so offending, and to hear and determine such Offences) shall forfeit and pay the Sum of Five Pounds, One Moiety thereof to the Informer, and the other Moiety to the Constable of the Parish where such Offence shall be committed, in Trust for and to the only Use and Behoof of the Trustees, Commissioners, Proprietors, or Undertakers of any Turnpike, or navigable River, to be by them applied and disposed of for the several Uses and Purposes, and in such Manner, as the several Tolls, Rates, and Duties, by virtue of any Act or Acts of Parliament made or to be made, are or shall be directed to be applied and disposed of, after allowing thereout to such Constable, such Satisfaction for his Trouble, as the said Trustees, Commissioners, or Undertakers, or any Five or more of them, shall adjudge reasonable; to be levied by Warrant or Warrants under the Hands and Seals of the said Justices of the Peace, or any Two or more of them, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendring the Overplus to the Owner; and for want of sufficient Distress then the Party or Parties so offending shall by Warrant under the Hands and Seals of such Two Justices, or more of them, be sent to the common Gaol of the County where such Offence shall be committed, there to remain without Bail or Mainprize for the Space of Six Months, unless he, she, or they shall be sooner discharged by the Order of the Justices at the Quarter Sessions of the Peace to be holden for the County where such Offence shall be committed; and if such Party or Parties shall offend a second or third Time, upon Conviction thereof in Manner aforesaid, he or they so offending shall forfeit and pay the Sum of Ten Pounds, to be levied by Distress in Manner aforesaid; and, for want of sufficient Distress shall for every such Offence, after the First, be sent by Two or more Justices of the Peace of the County where such Offence shall be committed, to the common Gaol of the said County, by such Warrant or Warrants as last before mentioned, for One whole Year without Bail or Mainprize; and shall also, before he, she, or they shall be discharged out of Custody, give Security at the General Quarter Sessions of the County for his, her, or their Behaviour for Seven Years.

Forfeiture how distributed.

Distress on Nonpayment.

6 Months Imprisonment on Want of Distress.

10 *l.* Penalty on second or third Offence.

A Year's Imprisonment on Want of Distress.

Collectors of Toll may seize Persons guilty of the said Offences, and carry them before a Justice, who may bind them over to the Sessions, &c.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Collector or Collectors of the Toll, to seize and detain any Person or Persons guilty of the Offences before mentioned, and such Person or Persons to carry before One or more Justice or Justices of the Peace for the County or Place where such Offence shall be committed, without any Warrant or other Authority for so doing; and such Justice or Justices of the Peace are hereby impowered and authorized to oblige such Person or Persons so offending, to give Security for his, her, or their appearing at the next Petty Sessions to be holden for the Division or Place where such Offence or Offences shall be committed, and for want of sufficient Security to commit the Person or Persons so offending to the common Gaol of the County or Place where the Offence shall be committed, until he, she, or they shall give such Security.

5 *l.* Penalty on refusing to execute a Warrant.

XIII. And be it further enacted by the Authority aforesaid, That if any Constable or Constables, who are hereby required to execute all Warrants by this or any former Act appointed to be issued concerning Turnpikes, shall refuse to execute any Warrant or Warrants under the Hands and Seals of a sufficient Number of Commissioners or Trustees authorized by any Act of Parliament for any Turnpike or Turnpikes, to levy any Sum or Sums of Money upon any Person or Persons for any Default, for which such Person or Persons are to forfeit and pay any Sum or Sums of Money whatsoever, or shall refuse to execute any Warrant or Warrants under the Hands of any Two or more Justices of the Peace, for apprehending any Person or Persons that shall be guilty of any Offence against this Act, or if any other Person or Persons shall refuse to assist such Constable or Constables in apprehending such Offender or Offenders; then such Constable or Constables so refusing to execute such Warrant, or other Person or Persons so refusing to assist him, shall forfeit and pay the Sum of Five Pounds to the Clerk to the Commissioners, Trustees, Proprietors, or Undertakers of any Turnpike or navigable River, to be by them applied and disposed of for the several Uses and Purposes, and in such Manner as the several Tolls, Rates, and Duties by virtue of any Act or Acts of Parliament, made, or to be made, are or shall be directed to be applied and disposed of, to be levied by Distress by Warrant or Warrants under the Hands and Seals of Two or more Justices of the Peace of the County where such Constable or Constables, or any other Person or Persons so refusing, shall inhabit, to be directed to the High Constable of the Hundred where he or they shall inhabit, to be by him levied in the same Manner as is before directed in case any Person shall assault the Collector of the Toll, or forcibly pass through any Gate or other Fence without paying the Toll.

How to be disposed of.

Forfeitures to whom paid.

XIV. And be it further enacted by the Authority aforesaid, That all Forfeitures and Penalties that by virtue of this Act shall be received by any Constable or Constables, Clerk or Clerks to any of the Trustees, Commissioners, Proprietors, or Undertakers of any Turnpike, or navigable River, to the Use, or in Trust for such Commissioners, Trustees, Proprietors, or Undertakers, for the Purposes aforesaid, shall, after the Receipt or Receipts of such Forfeiture or Forfeitures, Penalty or Penalties, be by such Constable or Constables, Clerk or Clerks, paid over to any Person or Persons, to whom the said Commissioners.

missioners, Trustees, Proprietors, or Undertakers, or any Five or more of them, by any Order under their respective Hands, shall direct the same to be paid; and in case such Constable or Constables, Clerk or Clerks, shall refuse to account for, or pay over the same, that then, it shall and may be lawful for any Two or more Justices of the Peace of the County, Town, or Division, upon the Oath or Oaths of One or more credible Witness or Witnesses made before them, of any such Refusal, to commit the Party or Parties so refusing to account or pay over the Sum or Sums of Money by him or them received for any such Forfeiture or Penalty, to the common Gaol of the County, where such Constable or Constables, Clerk or Clerks, shall live, until he or they shall pay and satisfy the same.

Penalty on Constable, &c. refusing to account for Forfeitures.

XV. Provided also, That it shall and may be lawful for any Person aggrieved by any Order or Orders to be made by any Two or more Justices of the Peace, as aforesaid, to appeal to the Justices of the Peace assembled at the next General Quarter Sessions to be holden for the County, City, Division, Parish, or Place, where such Orders shall be made, giving reasonable Notice of such Appeal, the Reasonableness of which Notice shall be determined by the Justices of the Peace at the Quarter Sessions to which the Appeal is made; and if it shall appear to them, that reasonable Time of Notice was not given, then they shall adjourn the said Appeal to the next Quarter Sessions, and then and there finally hear and determine the same; and the Justices, who in the General Quarter Sessions shall hear the Matter, shall have Power to award reasonable Costs to either Party, as to them shall seem just, and such Determination shall conclude and bind all Parties concerned.

Appeal to the Quarter Sessions.

XVI. And it is hereby enacted, That no Certiorari shall be granted by any Court whatsoever, for removing any Order or Orders, or other Proceedings of any Justice or Justices of the Peace, concerning all or any of the Matters in this Act contained, out of the proper County, City, Division, or Place, into any other Court.

No *Certiorari* for removing Orders to another Court.

XVII. And be it further enacted by the Authority aforesaid, That when any Complaint of Abuse, or Excess of Power in the Commissioners and Trustees appointed to put any Act of Parliament made for the Repair of any Highway or Highways in Execution, by erecting, or setting up, or causing to be erected, or set up, any Gate or Gates, Turnpike or Turnpikes, Rails, Posts, Chain or Chains, or any other Fence, hath been already made, and heard by the Justices of the Peace of the County, where such Gate or Gates, Turnpike or Turnpikes, were, or shall be erected, or continued, in the General Quarter Sessions assembled, that such Hearing of the said Justices shall be final, and their Determination therein, either in favour of the Complainant, or of the said Commissioners and Trustees, shall be, and is hereby declared to be, fully confirmed and established.

Determinations made at Quarter Sessions concerning Complaints to be final.

XVIII. And be it further enacted by the Authority aforesaid, That if any Suit or Suits shall be brought or commenced against any Person or Persons for any thing done in pursuance of this Act, that in every such Case the Action shall be laid in such County where the Cause of Action did arise, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance of and by the Authority of the said Act; and if it shall appear so to be done, or that such Action or Actions shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath and have in other Cases to recover Costs by Law.

Limitation of Actions.

General Issue.

Treble Costs.

XIX. And be it further enacted by the Authority aforesaid, That this Act, and also the said Two several Acts made in the First and Fifth Years of his present Majesty's Reign, and every Article, Clause, and Sentence therein (not altered by this present Act) shall be and continue in full Force and Effect, and be executed for the Space of Five Years, to commence from the said Fifteenth Day of May, in the Year of our Lord One thousand seven hundred and thirty five, and from thence to the End of the then next Session of Parliament, for the Purposes in the said several Acts mentioned, as fully as if the same was herein again repeated and re-enacted in the Body of this present Act.

This and the 2 before mentioned Acts to continue in Force for Five Years.

Further continued by 6 G. 2. C. 47. Sch. 967.

CAP. XXI.

An Act to continue several Laws therein mentioned, for the better Regulation and Government of Seamen in the Merchants Service; for the regulating of Pilots of *Dover*, *Deal*, and the Isle of *Thanet*; for preventing Frauds in the Customs, and to prevent the clandestine running of Goods; and for making Copper Ore of the *British* Plantations an enumerated Commodity.

WHEREAS the Laws herein after mentioned (which have by Experience been found useful and beneficial) are near expiring, **may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Second Year of his present Majesty's Reign, intituled,** An Act for the better Regulation and Government of Seamen in the Merchants Service, **which was to be in Force for Five Years, from the Twenty fourth Day of** June, **One thousand seven hundred and twenty nine, and from thence to the End of the then next Session of Parliament, and is near expiring, shall be, and the same is hereby continued from the Expiration thereof until the Twenty fifth Day of** March, **One thousand seven hundred and forty nine, and from thence to the End of the then next Session of Parliament.**

Preamble.

The *Seamens Act* 2 *Geo.* II. *cap.* 36. continued till 25 *March*, 1749.

II. **And be it further enacted by the Authority aforesaid, That an Act made in the Third Year of the Reign of his late Majesty, intituled,** An Act for the better regulating of Pilots for the

The *Pilots Act* 3 *Geo.* I. *c.* 13.

the conducting of Ships and Veſſels from *Dover*, *Deal*, and the Iſle of *Thanet*, up the Rivers of *Thames*, and *Medway*, **which was to continue in Force for Seven Years, and from thence to the End of the then next Seſſion of Parliament; and a Clauſe for further regulating the Pilots of** Dover, Deal, **and the Iſle of** Thanet, **in an Act paſſed in the Seventh Year of the Reign of his late Majeſty, which was to be in Force during the Continuance of the ſaid Act of the Third Year of his ſaid late Majeſty's Reign (which ſaid Act of the Third Year of his ſaid late Majeſty, together with the ſaid Clauſe, was, by an Act made in the Tenth Year of the Reign of his ſaid late Majeſty, further continued for the further Term of Eleven Years, and from thence to the End of the then next Seſſion of Parliament) ſhall be, and are hereby further continued until the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty nine, and from thence to the End of the then next Seſſion of Parliament.**

and a Clauſe in 7 *Geo.* I. *cap.* 21. *ſect.* 14. relating thereto,

continued till 25 *Mar.* 1749.

III. And whereas ſeveral Clauſes in an Act made in the Fifth Year of the Reign of his late Majeſty, intituled, *An Act againſt clandeſtine running of uncuſtomed Goods, and for the more effectual preventing of Frauds relating to the Cuſtoms*, relating to ſuch foreign Goods, Wares, and Merchandizes, as ſhall be taken in at Sea out of any Ship or Veſſel, in order to be landed, or put into any other Ship, Veſſel, or Boat; and alſo relating to Goods not reported, and found after clearing Ships; and whereby further Remedies are provided againſt relanding Goods prohibited to be worn in this Kingdom, and foreign Goods ſhipped out for Parts beyond the Seas; and alſo relating to the opening or altering the Package of Goods, on board Ships outward bound; and alſo relating to hovering Ships or Veſſels of the Burthen of Fifty Tuns, or under; and alſo concerning the Bales or Package, in which Coffee ſhall be exported; and alſo relating to Rum imported in Casks or Veſſels not containing Twenty Gallons at the leaſt; and alſo relating to Certificate Goods entred in order to be exported to *Ireland*; which ſaid ſeveral Clauſes were to have Continuance for the Term of Three Years, from the ſeveral Times of the Commencement thereof, and from thence to the End of the then next Seſſion of Parliament reſpectively; which ſaid ſeveral Clauſes laſt mentioned were, by another Act paſſed in the Ninth Year of his ſaid late Majeſty's Reign, continued from the Expiration of the ſeveral and reſpective Terms therein mentioned for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament; and which ſaid Clauſes, by an Act made in the Second Year of the Reign of His preſent Majeſty, were further continued until the Twenty ninth Day of *September*, One thouſand ſeven hundred and thirty four, and from thence to the End of the then next Seſſion of Parliament; **be it further enacted by the Authority aforeſaid, That the ſaid laſt mentioned Clauſes ſhall be further continued from and after the Expiration thereof until the Twenty ninth Day of** September, **One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.**

Several Clauſes in an Act 5 *Geo.* I. cap. 11. *relating to foreign Merchandizes*, further continued till 29 *Sept.* 1742.

IV. **And be it further enacted by the Authority aforeſaid, That an Act made in the Eighth Year of his late Majeſty's Reign, intituled,** An Act to prevent the clandeſtine running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarentine; and to ſubject Copper Ore of the Production of the *Britiſh* Plantations to ſuch Regulations, as other enumerated Commodities of the like Production are ſubject, **which was to be in Force for Two Years from the Twenty fifth Day of** March, **One thouſand ſeven hundred and twenty two, and from thence to the End of the then next Seſſion of Parliament, which Act (except the Clauſe obliging all Ships or Veſſels to perform Quarentine) was by an Act made in the Eleventh Year of his late Majeſty's Reign further continued from the Expiration thereof for the Space of Three Years, and from thence to the End of the then nert Seſſion of Parliament; and which by another Act (except the Clauſe obliging all Ships or Veſſels to perform Quarentine) was by an Act made in the Second Year of the Reign of his preſent Majeſty further continued from the Expiration thereof until the Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty four, and from thence to the End of the then next Seſſion of Parliament; ſhall be (except ſo much of the ſame Act as relates to Ships or Veſſels performing Quarentine) and the ſame is hereby continued from the Expiration thereof until the Twenty ninth Day of** September, **One thouſand ſeven hundred and forty two, and from thence to the End of the then next Seſſion of Parliament.**

The Act 8 *Geo.* I. c. 18. *for preventing clandeſtine running of Goods*, except the Clauſe about Quarentine, continued till 29 *Sept.* 1742.

CAP. XXII.

An Act to enable *William Mackenzie* late Earl of *Seafort* to ſue or maintain any Action or Suit, notwithſtanding his Attainder, and to remove any Diſability in him by reaſon of his ſaid Attainder, to take or inherit any real or perſonal Eſtate that may or ſhall hereafter deſcend or come to him.

Preamble reciting the Attainder 1 *Geo.* I.

MOST Gracious Sovereign, Whereas *William Mackenzie* late Earl of *Seafort*, by virtue of an Act of Parliament made in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for the Attainder of* George *Earl of* Marſhall, William *Earl of* Seafort, James *Earl of* Southesk, James *Earl of* Panmuire, *and others, of High Treaſon, unleſs they ſhall render themſelves to Juſtice by a Day certain therein mentioned*, was attainted of High Treaſon, and thereby, and by other Acts of Parliament, all the real and perſonal Eſtate of the ſaid *William Mackenzie* late Earl of *Seafort* became forfeited, and veſted in Truſtees to be ſold for the Uſe of the Publick: And whereas his ſaid late Majeſty, by Letters Patents bearing Date the Twelfth Day of *July*, in the Twelfth Year of his Reign, was pleaſed in his great Mercy to pardon and diſcharge the ſaid *William Mackenzie* late Earl of *Seafort* of and from Impriſonment, and Execution of his Perſon, on ſuch Attainder: And whereas, at the Time of the Sale of the Eſtate of the ſaid *William Mackenzie* late Earl of *Seafort*, for the Benefit of the Publick, there was an Arrear of ſeveral Rents, or few Duties, payable to the Crown, out of the Iſland of *Lewis*, Part of the ſaid Eſtate, amounting to the Sum of Three thouſand nine hundred and ſixteen Pounds, thirteen Shillings, and four Pence, Sterling, which were payable to the Crown out of the Rents and Profits of the ſaid Eſtate ſo ſold, which Your Majeſty, out of Your ſingular Bounty and Goodneſs to the ſaid *William Mackenzie* late Earl of *Seafort*, and in Conſideration of the ſtraitned Circumſtances which he with his Family were in, was graciouſly pleaſed to grant, allow, and order to be paid unto him, as Your Majeſty's Royal Bounty, towards the Support of himſelf and Family; but by reaſon of the ſaid Attainder, the ſaid *William Mackenzie* late Earl of *Seafort*, is not only

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in Danger of loſing the Produce and Benefit of the ſaid Sum of Three thouſand nine hundred and ſixteen Pounds, thirteen Shillings, and four Pence, Sterling, ſo given to him by Your Majeſty's Goodneſs, but is expoſed to manifold Injuries; for the Redreſs of which he cannot apply to any Court of Juſtice, and is diſabled to acquire or ſucceed to any Eſtate, or to provide for himſelf and his unfortunate Family, becauſe of the Incapacities and Diſabilities occaſioned by the ſaid Attainder, *&c.*

CAP. XXIII.

An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty five.

This Act grants a Land Tax of 2 s. *in the Pound, and is to the ſame Effect as* 7 Geo. II. c. 7. *with a Clauſe of Loan at* 3 ½ per cent.

CXLI. AND whereas the Inhabitants of the Borough of *Tiverton* in the County of *Devon* were, in purſuance of an Act of Parliament of the Sixth Year of His Majeſty's Reign, for granting an Aid to His Majeſty by a Land Tax, charged, by the acting Commiſſioners of the ſaid County, with the uſual Proportion payable by the ſaid Borough, towards the whole Sum to be raiſed in the ſaid County towards the ſaid Aid, Part of which Proportion, ſo charged on the ſaid Borough by the ſaid Act, amounting to the Sum of Forty eight Pounds, ſeven Shillings, and nine Pence Farthing, ſtill remains unpaid, and in arrear, occaſioned by the dreadful Fire that happened in the ſaid Borough, in the Year One thouſand ſeven hundred and thirty one, which conſumed moſt of the Houſes and Goods aſſeſſable by the ſaid Act: And whereas Proceſs is already iſſued, or will ſoon iſſue, againſt the acting Commiſſioners of the ſaid County for Recovery of the ſaid Sum of Forty eight Pounds, ſeven Shillings, and nine Pence Farthing, now ſtanding in arrear, and unpaid by the Inhabitants of the ſaid Borough of *Tiverton*, towards the ſaid Aid granted in the Sixth Year of His Majeſty's Reign, as aforeſaid: **For preventing whereof, and that no Trouble or Vexation may happen to the ſaid County of** Devon, **or any of the acting Commiſſioners therein, for or upon account of the ſaid Sum of Forty eight Pounds, ſeven Shillings, and nine Pence Farthing, remaining in arrear, and unpaid by the ſaid Borough of** Tiverton, **as aforeſaid; be it enacted by the Authority aforeſaid, That as well the ſaid County of** Devon, **as the ſaid acting Commiſſioners therein, ſhall be, and are hereby exonerated and diſcharged of, and from, and againſt the Payment of the ſaid Sum of Forty eight Pounds, ſeven Shillings, and nine Pence Farthing, ſo remaining in arrear, and unpaid by the ſaid Inhabitants of the ſaid Borough of** Tiverton, **towards the ſaid Aid granted in the Sixth Year of His Majeſty's Reign, as aforeſaid; and that all Proſecutions already commenced ſhall be ſtayed, and no further Proſecution ſhall be commenced or ſued againſt the ſaid County, or any of the acting Commiſſioners therein, for or upon account of the ſaid Sum of Forty eight Pounds, ſeven Shillings, and nine Pence Farthing, remaining in arrear, and unpaid by the ſaid Borough of** Tiverton, **as aforeſaid; any thing in the before mentioned Act to the contrary notwithſtanding.**

The County of *Devon* and acting Commiſſioners exonerated from paying the Arrear to the Land Tax in 1731, occaſioned by the Fire at *Tiverton*.

CXLII. **Provided always, and be it enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one Act of this Seſſion of Parliament, intituled,** An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*, and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty five, **and ſo much Money** (if any ſuch be) **of the Duties thereby granted and continued, as ſhall ariſe or remain after all the Loans or Exchequer Bills made, or to be made on the ſame Act, and all the Intereſt, Premium, or Rate, and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and all the Monies coming into the Exchequer upon one other Act of this Seſſion of Parliament, intituled,** An Act for enabling His Majeſty to apply the Sum of One Million out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and thirty five, **of the Surpluſſes, Exceſſes, or Overplus Monies, commonly called** The Sinking Fund, **at any time before the Feaſt Day of the Annunciation of the Bleſſed Virgin** Mary, **which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix; and all the Monies coming into the Exchequer by Loans upon one other Act of this Seſſion of Parliament, intituled,** An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years, and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices, **and ſo much Money** (if any ſuch be) **of the Duties thereby granted and continued, as ſhall ariſe or remain after all the Loans made, or to be made on the ſame Act, and all the Intereſt and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties ſhall be ſatisfied, or Money ſufficient ſhall be reſerved to diſcharge the ſame; and all the Monies coming into the Exchequer either by Loans or Exchequer Bills upon this Act, and ſo much Money** (if any ſuch be) **of the Tax thereby granted, as ſhall be or remain, after all the Loans or Exchequer Bills made or to be made on this Act, and all the Intereſt, Premium, or Rate, or Charges thereon, and the Charges thereby allowable for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved to diſcharge the ſame; ſhall be appropriated and applied, and are hereby appropriated for and towards the ſeveral Uſes, Intents, and Purpoſes herein expreſſed, ſubject nevertheleſs to ſuch Reſtrictions as are herein after preſcribed; that is to ſay, It is hereby enacted and declared, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding One Million ſeven hundred fifty eight thouſand nine hundred and fourteen Pounds, nine Shillings, and ſeven Pence, for or towards the Naval Services herein after more particularly expreſſed, that is to ſay, for or towards defraying the Charge of the Ordinary of His Majeſty's Navy, and for Half-pay to Sea Officers, and for or towards Victuals,**

Application of the Money granted this Seſſion.

Malt Act.

Sinking Fund.

Salt Act.

1,758,914*l.* 9*s.* 7*d.* for Naval Services.

Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed, and to be performed, and for or towards Sea Services in the Office of Ordnance, performed, and to be performed, and for or towards other Services of the Navy performed, and to be performed.

CXLIII. And it it is hereby enacted, That out of all or any the Aids or Supplies, as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Ten thousand Pounds, upon Account, for or towards the Support of the Royal Hospital at Greenwich, for the better Maintenance of the Seamen of the said Hospital, worn out and become decrepit in the Service of their Country.

10,000 *l.* for *Greenwich* Hospital.

CXLIV. And it is hereby also enacted, That out of all or any the Aids or Supplies, as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and four thousand four hundred fifty three Pounds, five Shillings, and three Pence, for or towards defraying the Charge of the Office of Ordnance for Land Service performed, and to be performed, and for defraying the extraordinary Expence of the Office of Ordnance for Land Services, not provided for by Parliament.

104,453 *l.* 5 *s.* 3 *d.* for the Office of Ordnance.

CXLV. And it is hereby likewise enacted, That out of all or any the Aids or Supplies, provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding One Million one hundred fifty nine thousand six hundred twenty one Pounds, one Shilling, and a Peny Farthing, for or towards maintaining His Majesty's Land Forces, and other Services herein after more particularly expressed; that is to say, any Sum or Sums of Money not exceeding Seven hundred ninety four thousand five hundred twenty nine Pounds, four Shillings, and seven Pence Halfpeny, for defraying the Charge of Twenty five thousand seven hundred forty four Men, including Commission and Non-commission Officers, and Invalids for Guards, Garisons, and Six Independent Companies for the Service of the Highlands, and other His Majesty's Land Forces in Great Britain, Guernsey, and Jersey, and other Services relating to the Forces, for the Year One thousand seven hundred and thirty five; and any Sum or Sums of Money not exceeding Two hundred and fifteen thousand seven hundred and ten Pounds, six Shillings, and five Pence Halfpeny, for maintaining His Majesty's Forces and Garisons in the Plantations, Minorca, and Gibraltar, and for Provisions for the Garisons at Annapolis Royal, Canso, Placentia, and Gibraltar, for the Year One thousand seven hundred and thirty five; and any Sum or Sums of Money not exceeding Eighteen thousand eight hundred and fifty Pounds, nine Shillings, and two Pence, upon Account, for Out-pensioners of Chelsea Hospital, for the Year One thousand seven hundred and thirty five; and any Sum or Sums of Money not exceeding Ten thousand two hundred seventy three Pounds, one Shilling, and seven Pence Farthing, for defraying several extraordinary Expences and Services incurred and not provided for by Parliament; and any Sum or Sums of Money not exceeding Ten thousand three hundred ninety three Pounds, five Shillings, and eleven Pence, to compleat the Sum of Eighty one thousand five hundred sixty eight Pounds, five Shillings, and eleven Pence, for Services incurred by augmenting His Majesty's Forces, and in concerting such other Measures as the Exigency of His Majesty's Affairs have required; and any Sum or Sums of Money not exceeding Forty nine thousand eight hundred thirty four Pounds, thirteen Shillings, and four Pence, upon Account of Half-pay to the reduced Officers of His Majesty's Land Forces and Marines, for the Year One thousand seven hundred and thirty five, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as are herein after prescribed concerning the same; and any Sum or Sums of Money not exceeding Three thousand seven hundred and eighty Pounds, for paying of Pensions to Widows of such reduced Officers of His Majesty's Land Forces and Marines, as died upon the Establishment of Half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thousand seven hundred and sixteen, for the Year One thousand seven hundred and thirty five; which said Sum of Three thousand seven hundred and eighty Pounds, shall be issued to such Person or Persons, as His Majesty shall, by Warrant or Warrants under His Royal Sign Manual, direct or appoint to receive the same, to be by him or them paid over to such Widows of Half-pay Officers, or their Assigns, according to such Establishments, Lists, or other Directions, and with and subject to such Conditions, Qualifications, Deductions, or other Allowances for the same, as His Majesty, by such or the like Warrant or Warrants, shall be graciously pleased to direct or appoint; and any Sum or Sums of Money not exceeding Fifty six thousand two hundred and fifty Pounds, on account of the Subsidy payable to the King of Denmark, pursuant to the Treaty bearing Date the Nineteenth Day of September, One thousand seven hundred and thirty four, for the Year One thousand seven hundred and thirty five.

1,159,621 *l.* 1 *s.* 1 *d.* farthing, for the Land Forces.

794,529 *l.* 4 *s.* 7 *d.* halfpeny, for the Forces in *Great Britain*.

215,710 *l.* 6 *s.* 5 *d.* halfpeny, for the Plantations, *&c.*

18,850 *l.* 9 *s.* 2 *d.* for Out-pensioners of *Chelsea* Hospital.

10,273 *l.* 1 *s.* 7 *d.* farthing, for extraordinary Services not provided for by Parliament.

10,393 *l.* 5 *s.* 11 *d.* for defraying the Expence in augmenting the Forces, *&c.*

49,834 *l.* 13 *s.* 4 *d.* for Half-pay Officers.

3780 *l.* for Pensions to Widows of reduced Officers.

56,250 *l.* for the Subsidy to the King of *Denmark*.

CXLVI. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty six thousand four hundred and five Pounds, fifteen Shillings and four Pence Farthing, towards making good the Deficiency of the Grants for the Year One thousand seven hundred and thirty four.

36,405 *l.* 15 *s.* 4 *d.* farthing, for Deficiencies of the Grants in 1734.

CXLVII. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty seven thousand five hundred fifty seven Pounds, thirteen Shillings, and four Pence, for making good the Deficiency of the Fund commonly called The General Fund, for raising Seven hundred twenty four thousand eight hundred forty nine Pounds, six Shillings, and ten Pence, and one fifth Part of a Peny, for the Year ended at Michaelmas, One thousand seven hundred and thirty four; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards the Maintenance of the British Forts and Settlements belonging to the Royal African Company

37,557 *l.* 13 *s.* 4 *d.* for Deficiencies of the General Fund.

10,000 *l.* for the *British* Forts of the *African* Company.

pany of England, on the Coasts of Africa; and there shall and may be issued to the Trustees for establishing the Colony of Georgia in America, any Sum or Sums of Money not exceeding Twenty six thousand pounds, by them to be applied towards settling and securing the said Colony; and any Sum or Sums of Money not exceeding Four thousand pounds, towards the repair of the Collegiate Church of Saint Peter Westminster; and any Sum or Sums of Money not exceeding Three thousand five hundred pounds, for the Repair of the Tower and Roof of the Parish Church of Saint Margaret's Westminster.

26,000 *l.* for the Colony of *Georgia*.

4,000 *l.* for St. *Peter Westminster*.

3,500 *l.* for St. *Margaret's Westminster*.

CXLVIII. And be it enacted, That the said Aids or Supplies provided, as aforesaid, shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses and Purposes before mentioned, or for the several Deficiencies, or other Payments directed to be satisfyed thereout, by any particular Clause or Clauses for that Purpose, contained in any other Act or Acts of this present Session of Parliament.

Limitation of the Sums to the Uses directed.

CXLIX. And as to the said Sum of Forty nine thousand eight hundred thirty four pounds, thirteen shillings, and four pence, by this Act appropriated on Account of Half-pay, as aforesaid; it is hereby enacted and declared by the Authority aforesaid, That the Rules herein after prescribed shall be duly observed in the Application thereof; that is to say, That no Person shall have or receive any Part of the same, who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Persons, who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit, Civil or Military, under His Majesty, shall have or receive any Part of the said Half-pay; that no Chaplain of any Garison or Regiment, who has any Ecclesiastical Benefice in Great Britain or Ireland, shall have or receive any Part of the said Half-pay; that no Person shall have or receive any Part of the same, who hath resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by Virtue of any Warrant or Appointment, except to such Persons, who would have been otherwise intitled to the same as reduced Officers; and that no Part of the same shall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in Ireland, except to such as were lately taken off the Establishment of Half-pay in Great Britain.

Rules to be observed in the Application of Half-pay.

CL. And whereas by an Act of Parliament made in the Seventh Year of His Majesty's Reign, intituled, *An Act for enabling His Majesty to apply the Sum of One million two hundred thousand pounds out of the* Sinking Fund, *for the Service of the Year One thousand seven hundred and thirty four, and for appropriating the Supplies granted in this Session of Parliament*, several Supplies which had been granted to His Majesty, as is therein mentioned, were appropriated to several Uses and Purposes therein expressed, amongst which, any Sum or Sums of Money, not exceeding Fifty two thousand six hundred and ninety pounds, fifteen shillings, and ten pence, was appropriated to be paid to the reduced Officers of His Majesty's Land Forces and Marines, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as in and by the aforesaid Act were prescribed in that behalf; now it is hereby provided, enacted, and declared, That so much of the said Sum of Fifty two thousand six hundred and ninety Pounds, fifteen Shillings, and ten Pence, as is or shall be more than sufficient to satisfy and pay the said reduced Officers, according to the said Rules by the said Act prescribed to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers, who are maimed or lost their Limbs in the late Wars, or such others as by reason of their long Service or otherwise His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act, or the said former Act, to the contrary notwithstanding.

Surplus of the Money granted last Year for Half-pay how to be disposed of.

CAP. XXIV.

An Act to explain and amend an Act passed in the Second Year of the Reign of His present Majesty, intituled, *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons.*

WHEREAS an Act was made in the Second Year of His present Majesty's Reign, intituled, *An Act for the Relief of Debtors with respect to the Imprisonment of their Persons*; which Act was to continue in Force for Five Years, and from thence to the End of the then next Session of Parliament, and no longer: And whereas an Act was made in the Third Year of His present Majesty's Reign, intituled, *An Act for explaining and amending an Act made in the last Session of Parliament, intituled*, An Act for the Relief of Debtors with respect to the Imprisonment of their Persons; both which said Acts expire with this present Session of Parliament; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts, and the several Articles and Clauses therein contained, not hereby altered (except the Clause in the said first mentioned Act, for setting mutual Debts one against the other) shall, together with the Alterations and Amendments herein after made, be and remain in full Force and Virtue until the Twenty fifth Day of March, which shall be in the Year of our Lord One thousand seven hundred and forty, and from thence to the End of the then next Session of Parliament, and no longer.

Preamble reciting the Acts 2 *Geo.* II. *cap.* 22. 3 *Geo.* II. *cap.* 27.

The said Acts further continued to 25 *March*, 1740; *&c.* Exception.

II. And to prevent Persons who may be charged in Execution from lying in Prison until they have spent their Substance, wherewith they should satisfy their Creditors, and afterwards taking the Benefit of the said recited Acts when they have nothing left to deliver up to their Creditors; be it enacted by the Authority aforesaid, That

The Time limited for exhibiting Petitions.

That from and immediately after the Expiration of this preſent Seſſion of Parliament, no Perſon charged, or to be charged in Execution, ſhall be allowed or permitted to exhibit a Petition to any of the Courts of Law from whence the Proceſs iſſued, as is provided in the ſaid recited Acts, or One of them, unleſs ſuch Petition be exhibited before the End of the firſt Term, which ſhall be next after the End of this Seſſion of Parliament, or before the End of the Term, which ſhall be next after ſuch Perſon ſhall be charged in Execution.

III. And whereas running of cuſtomable and prohibited Goods is grown to an exceſſive Hight, and carried on with great Violence by evil Perſons in Defiance of the Law, who do and may attempt to reſcue ſuch Perſons as ſhall or may be taken by Virtue of a *Capias*; and it is therefore not ſafe for Perſons ſo taken, to be carried by the Officer to a private Houſe, as is provided in the ſaid recited Acts, or one of them; be it enacted by the Authority aforeſaid, That the ſaid recited Acts, or any part of them, ſhall not relate to any Perſon who ſhall be taken by Virtue of a Capias for running of cuſtomable or prohibited Goods, or for receiving ſuch Goods, knowing them to be run; but it ſhall and may be lawful for any Officer or Officers to ſecure ſuch Perſon or Perſons as ſhall be taken by Virtue of ſuch Capias for the Crimes aforementioned, in ſuch Manner as might have been lawfully done, if the ſaid recited Acts had never been made.

Perſons taken by a *Capias* for running of cuſtomable Goods may be ſecured as before the paſſing thoſe Acts.

Cooke's Rep. & Cas. of Bankrupts. fol. 155.

IV. And whereas the Proviſion for ſetting mutual Debts one againſt the other, is highly juſt and reaſonable at all Times; be it therefore further enacted by the Authority aforeſaid, That the ſaid Clauſe in the ſaid firſt recited Act, for ſetting mutual Debts one againſt the other, ſhall be and remain in full Force for ever.

The clauſe in the firſt recited Act, relating to mutual Debts, made perpetual.

V. And be it further enacted and declared by the Authority aforeſaid, That by virtue of the ſaid Clauſe in the ſaid firſt recited Act contained, and hereby made perpetual, mutual Debts may be ſet againſt each other, either by being pleaded in Bar, or given in Evidence on the General Iſſue, in the Manner therein mentioned, notwithſtanding that ſuch Debts are deemed in Law to be of a different Nature; unleſs in Caſes where either of the ſaid Debts ſhall accrue by reaſon of a Penalty contained in any Bond or Specialty; and in all Caſes where either the Debt for which the Action hath been or ſhall be brought, or the Debt intended to be ſet againſt the ſame hath accrued, or ſhall accrue, by reaſon of any ſuch Penalty, the Debt intended to be ſet off, ſhall be pleaded in Bar, in which Plea ſhall be ſhewn how much is truly and juſtly due on either ſide; and in caſe the Plaintiff ſhall recover in any ſuch Action or Suit, Judgement ſhall be entred for no more than ſhall appear to be truly and juſtly due to the Plaintiff, after one Debt being ſet againſt the other as aforeſaid.

Exception.

Quakers ſolemn Affirmation ſhall be taken in lieu of an Oath.

VI. And be it further enacted by the Authority aforeſaid, That in all Caſes wherein by the ſaid Acts, or either of them, an Oath is required, the ſolemn Affirmation of any Perſon being a Quaker, ſhall and may be accepted and taken in lieu thereof; and every Perſon making ſuch Affirmation, who ſhall be convicted of wilful and falſe affirming, ſhall incur and ſuffer ſuch and the ſame Pains, Penalties, and Forfeitures, as are inflicted and impoſed by any Laws and Statutes of this Realm upon Perſons convicted of wilful and corrupt Perjury.

CAP. XXV.

An Act to indemnify Proteſtant Purchaſers of Eſtates of Papiſts, againſt the Penalties or Forfeitures Papiſts are liable to for not having inrolled their Eſtates, in purſuance of an Act of the Third Year of King *George* the Firſt for that Purpoſe.

Preamble reciting 3 *Geo.* I. *cap.* 18.

WHEREAS in and by an Act paſſed in the Third Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for explaining an Act paſſed in the laſt Seſſion of Parliament, intituled*, An Act to oblige Papiſts to regiſter their Names and real Eſtates, and for enlarging the Time for ſuch regiſtring, and for ſecuring Purchaſes made by Proteſtants, it was enacted, That no Manors, Lands, Tenements, Hereditaments, or any Intereſt therein, ſhould paſs from any Papiſt by any Deed or Will, except ſuch Deed, within Six Months after the Date thereof, and ſuch Will, within Six Months after the Death of the Teſtator, ſhould be inrolled in one of the King's Courts of Record at *Weſtminſter*, or elſe within the ſaid County or Counties wherein the Manors, Lands, and Tenements lay, by the *Cuſtos Rotulorum*, and Two Juſtices of the Peace, and the Clerk of the Peace of the ſaid County or Counties, or Two of them at the leaſt, whereof the Clerk of the Peace to be one: And whereas many Purchaſes made by Proteſtants ſince the making of the ſaid Act may be in danger of being impeached or called in Queſtion, by reaſon that ſome Deeds or Wills neceſſary to make out the Title have not been duly inrolled according to the Directions of the ſaid Act, May it therefore pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Purchaſe really and truly made on or before the Twenty fifth Day of March, One thouſand ſeven hundred and thirty five, for a full and valuable Conſideration, of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, by any Proteſtant or Proteſtants, of any Papiſt or Papiſts, and meerly and only for the Benefit of Proteſtants, ſhall be impeached or avoided, for or by reaſon that any Deed or Will neceſſary to make out the Title to the ſame hath not been duly inrolled according to the ſaid Act; provided that ſuch Deed or Will ſhall be inrolled on or before the Twenty ninth Day of September, in the Year of our Lord One thouſand ſeven hundred and thirty five, in ſuch Manner as by the ſaid Act is directed; any thing in the ſaid Act contained to the contrary thereof in any wiſe notwithſtanding.

Purchaſes for a valuable Conſideration made before 25 *March*, 1735, not to be avoided, though not duly regiſtered.

if the Deed or Will be inrolled by 29 *Sept.* 1735, as directed by the ſaid Act.

II. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to make void or annul any Judgement or Judgements already given againſt any Perſon or Perſons, who hath or have incurred the Penalties of the ſaid Act for not inrolling as aforeſaid.

This Act not to extend to Judgements already given.

CAP. XXVI.

CAP. XXVI.

An Act to enable the preſent and future Proprietors and Inhabitants of the Houſes in *Lincoln's Inn Fields*, in the County of *Middleſex*, to make a Rate on themſelves, for raiſing Money ſufficient to incloſe, clean, and adorn the ſaid Fields.

Preamble, reciting the Agreement between Sir *William Cowper*, &c. and *Lincoln's Inn*.

WHEREAS in and by certain Articles of Agreement bearing Date the Nineteenth Day of *June*, which was in the Year of our Lord One thouſand ſix hundred and fifty ſeven, made, or mentioned to be made, between Sir *William Cowper* of *Ratling Court* in the County of *Kent*, Baronet, *Robert Henley* of the *Middle Temple*, *London*, Eſquire, and *James Cowper* of *Lincoln's Inn* in the County of *Middleſex*, Eſquire, all ſince deceaſed, of the one Part; Sir *Liſlebon Long* Knight (then Recorder of the City of *London*) *Nicholas Franklyn*, *Thomas Williams*, *William Prynne*, *Richard Raynsford*, *Robert Aſhton*, *Thomas Darcy*, *Thomas Beverley*, *Edward Harris*, and *William Glaſcock*, Eſquires, all of them then Maſters of the Bench of the ſaid Society of *Lincoln's Inn*, and Perſons nominated in Truſt for the ſaid Society, and all ſince deceaſed, of the other Part; therein reciting, That the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, were intereſted in the Inheritance of *Cup Field*, in an Indenture to the ſaid Articles annexed mentioned, and had deſigned the Continuance of one Row or Range of Buildings, called *Portugal Row*, in the ſaid Field Eaſtward towards *Lincoln's Inn* Wall, and of one other Row or Range of Buildings along the North Side of the ſaid Field, leading from the Buildings lately erected by one *Newman*, on the North-weſt Side of the ſaid Field to *Turn Stile*; and alſo reciting, that the ſaid Society of *Lincoln's Inn* were intereſted in the Benefit and Advantage of the Proſpect and Air of the ſaid Field, but were willing and contented that the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, might proceed in their ſaid Deſign and Undertaking of the ſaid Building, with ſuch Caution and Proviſion for the beautifying and adorning the intended Building, and for levelling and plaining the ſaid Field, and caſting the ſame into Walks, and for prevention of any future Building thereupon, in ſuch Manner as in the ſaid Articles, the Indenture thereunto annexed, and an Indenture of Demiſe bearing even Date therewith, was expreſſed; the ſaid Articles witneſſed, and it was thereby mutually declared, concluded, covenanted, and agreed, by and between all the Parties thereto, and the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, did, for themſelves, their Heirs, Executors, Adminiſtrators, and Aſſigns, covenant, promiſe, grant, and agree, to and with the ſaid Sir *Liſlebon Long*, and the ſaid other Truſtees, their Executors, and Adminiſtrators, as followeth: Firſt, that the Two Rows or Ranges intended to be built, as aforeſaid, ſhould bear equal Proportion in Front, Hight, Breadth, Strength, and Beauty, with *Portugal Row*, or in a more firm or beautiful Manner: Alſo, that there ſhould be Forty Foot by the Standard Diſtance between each of the ſaid Rows or Ranges of Buildings, and *Lincoln's Inn* Wall: Alſo, that all the reſt and reſidue of the ſaid Field ſhould, within Two Years then next, at the Coſts and Charges of the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, be levelled, plained, and caſt into Graſs Plotts and Gravel Walks of convenient Breadth, railed all along on each Side, and ſet with Rows of Trees, according to a Plott or Model thereto annexed; and that for the future no Building, other than the ſaid Two Rows or Ranges, ſhould be erected upon the ſaid Field, or any Part thereof (except one Water-houſe in the Middle of the ſaid Field, which ſhould not exceed in Proportion the Breadth of Ten Yards Square) Alſo, that the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, the Survivors or Survivor of them, or the Heirs of ſuch Survivor, ſhould at their Charges build and ſet up, in the Middle of the ſaid Wall of *Lincoln's Inn*, a large Pair of Gates, and Free ſtone Stairs, with a fair and eaſy Deſcent out of the Walks belonging to the ſaid Society, into the ſaid Field, for the Uſe and Conveniency of the Students of the ſaid Society: And the ſaid Sir *Liſlebon Long*, and other the ſaid Truſtees, on Behalf of the ſaid Society, thereby agreed, that the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, ſhould and might carry on their ſaid Building, in the Sort and Manner therein and herein before expreſſed, and not otherwiſe, without any Lett or Diſturbance of the ſaid Society, as in and by the ſaid in part recited Articles, relation thereunto being had, may more fully and at large appear: And whereas by Indenture of Feoffment, with Livery and Seiſin thereon indorſed, bearing even Date with the ſaid recited Articles, and made between the ſame Parties, therein reciting more at large the Agreement between the ſaid Parties, to the Effect herein before ſet forth; it is thereby witneſſed, That the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper* (to the Intent that the reſt and reſidue of the ſaid Field might be kept open for the Air, and not built upon further than as by the ſaid Articles was agreed) in Conſideration of Five Shillings, did grant, bargain, ſell, infeoff, and confirm unto the ſaid Sir *Liſlebon Long*, and the ſaid other Truſtees, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor, all the reſt, reſidue, or Body of the ſaid Field therein called *Copfield* alias *Cupfield*, containing by Eſtimation, from the Eaſt Side of the ſaid Field, lying next *Lincoln's Inn* Wall aforeſaid, Thirty Pole, be the ſame more or leſs, and from the North Side of the ſaid Field unto the South Side thereof Thirty and three Pole, more or leſs, by Agreement, according to the ſaid Articles, not to be built upon; to hold unto the ſaid Truſtees, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor, to the Uſe of them and their Heirs for ever, upon Truſt that they ſhould, preſently after the Sealing and Delivery of the ſaid Indenture, make a Leaſe of the ſaid Premiſſes to the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, their Executors, Adminiſtrators, and Aſſigns, for the Term of Nine hundred Years, without Impeachment of Waſte (other than the erecting new Buildings) at One Shilling *per Annum* Rent, with a Covenant amongſt others on the Part of the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, that the ſaid Premiſſes ſhould at all Times thereafter remain and continue under the Covenants, Limitations, Truſts, and Agreements therein, and herein before mentioned; and another Covenant for the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, their Executors, Adminiſtrators, and Aſſigns, fulfilling and performing the ſaid Agreements, as in and by the ſaid Indenture, Relation thereunto being had, may more fully appear: And whereas in and by one other Indenture, bearing Date the Twentieth Day of the ſame *June*, One thouſand ſix hundred and fifty ſeven, the ſaid Sir *Liſlebon Long*, and other the Truſtees aforeſaid, did make a Leaſe of the ſaid Field to the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, for the ſaid Term of Nine hundred Years, without Impeachment of Waſte, with a Proviſo to be void, and for the ſaid Truſtees Re-entry, in caſe of any Building on the ſaid Field, by the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, as in and by the ſaid Indenture of Leaſe doth and may more fully and at large appear: And whereas, in purſuance of the ſaid Agreements, the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, proceeded in and finiſhed their ſaid Two Rows of Buildings, from the ſaid Forty Foot from *Lincoln's Inn* Wall aforeſaid, up to and adjoining to the Buildings then erected Weſtward, from *Lincoln's Inn* Wall aforeſaid, on a certain Field or Parcel of Ground called *Purſfield*, and afterwards railed in the ſaid Fields or Parcel of Ground called *Copfield* alias *Cupfield*, and at the Extent of the ſaid Field Weſtward, cauſed Poſts to be ſet up, and Rails to be made croſs

Heads of the Agreement.

Indenture Feoffment.

from South to North, bounding the ſame from the ſaid Field called *Purſfield*; which ſaid Two Fields called *Copfield* alias *Cupfield* and *Purſfield* contain the Buildings and large ſquare Piece or Parcel of Ground, now and for ſome Years paſt called *Great Lincoln's Inn Fields*: And whereas the ſaid Sir *William Cowper*, *Robert Henley*, and *James Cowper*, are all ſince dead, and their Right and Intereſt in and to the ſaid Houſes ſo built by them, and in and to the ſaid Field called *Copfield*, otherwiſe *Cupfield*, is now veſted in *Anthony Henley* of the *Grange*, in the County of *Southampton*, Eſquire, and *William Cowper* of the Pariſh of Saint *James's*, in the County of *Middleſex*, Eſquire, their, ſome or one of their Aſſignee or Aſſigns: And whereas the ſaid great Square now called *Lincoln's Inn Fields*, ſituate in the ſeveral Pariſhes of Saint *Giles in the Fields*, Saint *Clement Danes*, and Saint *Andrew Holbourn*, in the County of *Middleſex*, hath for ſome Years paſt lain waſte and in great diſorder, whereby the ſame has become a Receptacle for Rubbiſh, Dirt, and Naſtineſs of all Sorts, brought thither, and laid not only by the Inhabitants of the ſaid Fields, but many others, which has not been removed or taken away by the ſeveral Scavengers of the Pariſhes wherein the ſaid Fields are ſituate as aforeſaid; but alſo, for want of proper Fences to incloſe the ſame, great Miſchiefs have happened to many of His Majeſty's Subjects going about their lawful Occaſions, ſeveral of whom have been killed, and others maimed and hurt by Horſes, which have been from time to time aired and rode in the ſaid Fields; and, by reaſon of the ſaid Fields being kept open, many wicked and diſorderly Perſons have frequented and met together therein, uſing unlawful Sports and Games, and drawing in and enticing young Perſons into Gaming, Idleneſs, and other vicious Courſes; and Vagabonds, common Beggars, and other diſorderly Perſons reſort therein, where many Robberies, Aſſaults, Outrages, and Enormities have been, and continually are committed, notwithſtanding the Watch or Guard allowed by the ſeveral Pariſhes, wherein the ſaid Fields are ſituate, for preventing the ſame: And whereas the South, Weſt, and North Parts of the ſaid Fields are incompaſſed with Houſes, many of which are inhabited by the Owners and Proprietors thereof, who with the other Inhabitants cannot go to and from their reſpective Habitations in the Night Seaſon without Danger, and therefore are deſirous to prevent any Miſchiefs for the future, and to incloſe, clean, repair, and beautify the ſaid Fields in a graceful Manner, and are willing and deſirous that an adequate Contribution may for that Purpoſe be raiſed by and amongſt themſelves: **Wherefore and to the End the ſaid Fields may be incloſed, cleanſed, and adorned, and kept in Repair for the future, the ſaid Proprietors and Inhabitants do moſt humbly beſeech Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Proprietors and Inhabitants of the ſaid Houſes and Fields to meet together upon the Second Day of** June, **One thouſand ſeven hundred and thirty five, at and in the Council Chamber of the ſaid Society of** Lincoln's Inn, **between the Hours of Nine and Ten in the Forenoon of the ſame Day, and then and there, by the Majority of the ſaid Proprietors and Inhabitants then preſent, to elect and chooſe One and twenty of the ſaid Proprietors and Inhabitants to be Truſtees, who, or any Five or more of them, ſhall have by virtue of this Act ſufficient Power and Authority from time to time under their Hands and Seals to direct how and in what Manner the ſaid Fields ſhall be incloſed from all Horſes, Coaches, Carts, and Carriages, and from time to time kept and preſerved from Annoiances, as Occaſion ſhall require; as alſo what Ways or Paſſages ſhall be made or left open for Paſſengers, Horſes, Coaches, Carts, and Carriages, as to them, or any Five or more of them, ſhall ſeem meet; ſo as the doing and finiſhing the ſame, and the continuing the ſame in Repair when finiſhed, do not exceed ſuch Rate or Rates as is or are for that Purpoſe herein after limited or appointed.**

The Inhabitants to meet 2 *June*, 1735.

and chooſe 21 Truſtees.

Their Power.

II. **And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, to dig, cart, and carry away, or cauſe to be dug, carted, and carry away, ſuch Soil or Earth within the ſaid Fields, and to bring in ſuch Gravel, Stone, and other Materials, and to employ ſuch Artificers, Workmen, Labourers, and Carters, and ſuch Collectors, Superviſors, Receivers, and others, and to iſſue ſuch Money on thoſe Accounts, and to do all and every ſuch other Acts and Things, as the ſaid Truſtees, or any Five or more of them, ſhall judge neceſſary or conducive to the accompliſhing the End and Deſign aforeſaid; and that it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, not only to remove, but alſo to prevent, all and all Manner of Annoiances, by Filth, Dung, Aſhes, Rubbiſh, or otherwiſe, laid or caſt, or to be laid or caſt, in or upon the ſaid Fields, or at or againſt the Houſes or Buildings on the ſaid South, Weſt, and North Parts of the ſaid Fields, or ſuch other Ground or Soil as the Owners or Inhabitants of ſuch Fields, or the ſaid Houſes thereon, are obliged or ought to pave, cleanſe, or repair; and alſo to put down, remove, and abate, all and every the Incroachment and Incroachments, that now are or hereafter ſhall be had or made on the ſame, and to iſſue one or more Precept or Precepts to the Sheriff for that Purpoſe, who is hereby required and impowered to execute the ſame.**

20*s.* Penalty on any Perſon annoying the ſaid Fields or Houſes after 2 *June*, 1735.

And if any Perſon or Perſons ſhall, from and after the ſaid Second Day of June, **in the Year One thouſand ſeven hundred and thirty five, in any wiſe annoy the ſaid Fields, Houſes, Buildings, Walls, Ground, or Soil, or any Part thereof, by any Filth, Dung, Aſhes, or Rubbiſh, then, and in every ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees, their Servants and Agents, and every of them, and alſo to and for the ſaid Proprietors, Owners, and Inhabitants of the ſaid Houſes, Buildings, Walls, Ground, and Soil, or any Part thereof, and every of them, to take and carry, or cauſe to be taken and carried, every ſuch Offender before One or more Juſtice or Juſtices of the Peace for the ſaid County of** Middleſex; **and every ſuch Offender, being of ſuch Offences convicted upon Oath before ſuch One or more Juſtice or Juſtices of the Peace, ſhall for every ſuch Offence forfeit and pay to the ſaid Truſtees the Sum of Twenty Shillings, over and above all Coſts, Charges, Damages, and Expences, in the Proſecution of ſuch Offender, to be aſcertained by ſuch Juſtice or Juſtices, by or before whom ſuch Offender ſhall be convicted; the ſame to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal or Hands and Seals of the ſaid Juſtice or Juſtices, rendring the Overplus (if any) to the Owner. And moreover it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, and he and they are hereby required, to commit or ſend away to any Houſe of Correction or other Gaol or Place of Confinement, all and every ſuch Offenders or Offender, there to be diſpoſed or dealt with as to ſuch Juſtice or Juſtices ſhall be thought meet,**

To be levied by Diſtreſs.

The Offender may be committed till he ſhall remove the Annoiance.

until

until he, she, or they shall entirely clear, cleanse, remove, or take away such Filth, Dung, Ashes, or Rubbish so put, made, laid, or placed, contrary to the true Intent and Meaning hereof. And if any Person or Persons shall at any Time after the said Second Day of June, One thousand seven hundred and thirty five, make or continue any Incroachment or Incroachments in or upon the said Fields, or any Part thereof, then and in such Case it shall and may be lawful to and for the said Trustees, their Servants, and Agents, and every of them, to prosecute and obtain Conviction against such Offender or Offenders, in like Manner as herein before is directed as to Persons annoying by Filth, Dung, Ashes, or Rubbish, as aforesaid; and every such Offender and Offenders, being thereof convicted in Manner aforesaid, shall for every such Offence forfeit and pay to the said Trustees the Sum of Fifty Pounds, over and above all such Costs, Charges, Damages, and Expences happening or to be occasioned thereby, or by the removing, taking, or carrying away any such Incroachment or Incroachments (which is hereby authorized to be done) which the said Justice or Justices are hereby impowered and required to levy by such Warrant or Warrants of Distress in Manner aforesaid, the Overplus only (if any) had, made, or received by virtue of such Distress and Distresses, to be rendred to the Owner. And if any loose, idle, or disorderly Person or Persons shall from and after the said Second Day of June, One thousand seven hundred and thirty five, assemble, or use any Sport or Sports; or if any Person or Persons shall ride or air any Horse or Horses, in the said Fields, or any Part thereof; or shall remove, or cause to be removed, break through, or get over all or any Part of the Fence or Inclosure hereby intended to be made or done, or whereby the said Fields, or any Part thereof, are intended to be inclosed by virtue of this present Act; every such Offender or Offenders, being thereof convicted in Manner aforesaid, shall for every such Offence pay the Sum of Forty Shillings, to be levied and distrained for in Manner aforesaid; and in Default of such Payment such Offender or Offenders shall be sent to the House of Correction by Warrant or Warrants from such Justice or Justices of the Peace aforesaid, there to be kept to hard Labour for any Time not exceeding the Space of One Month.

50*l.* Penalty on continuing Incroachments after that time.

40*s.* Penalty on unlawful Assemblies or Sports, riding Horses, &c.

III. And to the End that the said Trustees may be enabled to inclose, clean, repair, or otherwise adorn and beautify, the said great Square called Lincoln's Inn Fields, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees hereby appointed, or to be appointed, or the major Part of them, or such other Person or Persons as they shall appoint, to dig, gather, and take, from off all or any Part or Parts of the said great Square, now called Lincoln's Inn Fields, any Earth, Gravel, Sand, Stones, or other Materials, to be used on or in the repairing, cleaning, adorning, or beautifying of the said Fields, or any Part or Parts thereof.

The Trustees, and Persons appointed by them, may dig Gravel, Sand, &c. in the said Fields for the Uses of this Act.

IV. And that the said Trustees may be enabled to inclose, clean, repair, or otherwise adorn and beautify the said great Square called Lincoln's Inn Fields, and to continue the same in such Repair, and to defray the necessary Charges thereof, and of them the said Trustees in the Execution of the Powers and Trusts hereby in them reposed, as also the Expences of passing this Act, be it further enacted by the Authority aforesaid, That from and after the said Second Day of June, One thousand seven hundred and thirty five, there shall at all Times hereafter be raised, levied, collected by, and paid unto, the said Trustees, and the Survivors of them, and to such other Trustee or Trustees as shall or may be elected or chosen in their, any, or either of their Stead, by virtue of the Authority hereby given for that Purpose, or to such Person or Persons as shall be by them the said Trustees, or the major part of them, thereunto appointed, proportional yearly Rates and Duties to be assessed on the said Proprietors and Inhabitants of the said Houses on the South, West, and North Parts of the said Fields, according to their respective Estates and Interests therein, at the Discretion of the said Trustees, or the major Part of them present, provided the Number of Trustees present be Eleven at the least, and so as the said Rates do not exceed in any One Year Two Shillings and Six Pence in the Pound for any of such Houses towards the said Fields on the above mentioned South, West, and North Parts thereof, according to the last Assessments of such Houses to the last Land Tax: Which said Assessments, for the Purposes in this Act specified, are to be subject to, and chargeable with such Sum or Sums of Money, as shall be advanced, borrowed, raised, or received, as is hereafter mentioned or appointed; which Rates shall be paid by the respective Proprietors and Inhabitants of the said Houses for the time being, on the said South, West, and North Parts of the said Fields, according to their respective Estates and Interests as aforesaid, to the said Trustees, or the major Part of them, or to such Person or Persons as shall be thereunto appointed, in the following Manner and Proportions; that is to say, The Tenants or Occupiers of such Houses shall bear and pay Seven tenth Parts thereof, and the Landlord or Owner of such Houses for the time being shall bear and pay Three tenth Parts thereof; which said several Payments shall be made and paid by the said Proprietors and Occupiers respectively by even and equal quarterly Payments, the first Payment whereof to commence on the Twenty ninth Day of September, One thousand seven hundred and thirty five; which Sums of Money, when so collected and received, shall be applied and applicable to the watching, paving, inclosing, cleaning, repairing, or otherwise adorning and beautifying, the said Fields, and to the continuing the same for the future, so watched, paved, repaired, and beautified; and to the defraying the necessary Charges and Expences of passing of this Act, and of the said Trustees in the Execution thereof.

Yearly Rates how to be proportioned and raised.

First Payment.

V. And it is hereby further enacted, That in case it shall so happen that the said Houses, or any of them, shall at any Time from and after the Twenty fourth Day of June, One thousand seven hundred and thirty five, stand and be empty, untenanted, or unoccupied, or shall be occupied by any Ambassador or Minister from any foreign Prince or State, or other Person or Persons not liable to pay the Rates or Assessments hereby laid, or any of them; that then, and in every such Case, the said Rate or Duty, not exceeding Two Shillings and Six Pence in the Pound as aforesaid, or such other Rates as may be assessed by virtue of this Act, shall be wholly paid by the Landlords or Proprietors of such Houses;

Landlords to pay for empty Houses, &c.

Houſes; and in caſe of Nonpayment thereof, ſuch Houſes, and the Ground whereon the ſame ſtand, ſhall be, and the ſame are hereby made a Security for, and chargeable with ſuch Arrears ſo to be unpaid as aforeſaid.

Tenants to pay the Rates, and deduct their Landlords Proportion out of the Rent.

VI. And to the End the ſaid Rates may be the more effectually collected and received, be it further enacted, That all and every the Tenants or Occupiers of the ſaid Houſes be, and ſhall be liable to pay the whole of ſuch Rate to the Collector or Collectors, to be appointed by the ſaid Truſtees, as herein is directed; and in caſe of ſuch Payment, ſuch Tenant or Tenants ſhall be at liberty to deduct and detain, out of his, her, or their Rent, ſuch Proportion of ſuch Rates, as they ſhall reſpectively pay on Account of the ſeveral Landlords or Proprietors of the ſaid Houſes, and ſhall be hereby ſaved and kept harmleſs from any further Payment of any ſuch Proportion of any ſuch Rate or Rates to any Perſon or Perſons, to whom any ſuch Rent or Rents ſhould or ought to be paid.

Differences how to be adjuſted.

VII. And be it further enacted by the Authority aforeſaid, That in caſe any Difference ſhall ariſe concerning all or any the Rates or Aſſeſſments, to be had or made for or in reſpect of any of the ſaid Houſes, that then the ſaid Truſtees, or any Seven or more of them, ſhall have full Power at any Time within Two Months after Complaint made thereof to hear and determine the Matter of ſuch Complaint, ſo as ſuch Complaint be made in Writing within One Month after Notice of ſuch Aſſeſſment made, or Cauſe of Complaint accrued.

The Times for the Truſtees Meeting.

VIII. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall meet together at or in the ſaid Council Chamber of the ſaid Society of Lincoln's Inn (if the ſaid Society ſhall ſo permit them) or otherwiſe at ſuch other convenient Place, as they the ſaid Truſtees, or the major Part of them ſhall appoint, on the firſt Monday which ſhall happen in the ſeveral Months of Auguſt, November, February, and May, yearly, at Ten of the Clock in the Forenoon of the ſame Day, and ſhall then adjourn themſelves to ſuch Time and Place as they ſhall think fit. And the ſaid Truſtees, or any Seven or more of them, may meet at any other Time or Place as often as it ſhall be neceſſary for putting this Act in Execution, Two Days Notice being left in Writing at the Houſe of each of the ſaid Truſtees in Lincoln's Inn Fields aforeſaid, of the Time and Place of ſuch Meeting.

Truſtees to chooſe a Collector and Receiver.

IX. And be it further enacted by the Authority aforeſaid, That they the ſaid Truſtees, or any Seven or more of them, ſhall and may at their firſt or any other Meeting under their Hands and Seals chooſe and appoint a fit Perſon from time to time to be a Collector, and another fit Perſon to be a Receiver, of ſuch Monies as ſhall be due and payable by virtue of this Act; ſuch Collector and Receiver reſpectively giving reaſonable Security to the ſaid Truſtees for the due and faithful Execution of their reſpective Offices.

The Collector to account on Oath.

X. And be it further enacted by the Authority aforeſaid, That the ſaid Collector ſo to be appointed as aforeſaid, ſhall from time to time pay over to ſuch Receiver all the Sums of Money by him collected, and ſhall fairly enter in One or more Book or Books to be kept for that Purpoſe all and every Sum and Sums of Money, which he ſhall collect or pay by virtue of this Act, with the reſpective Times of his receiving and paying the ſame; and ſhall upon Oath (if thereunto required by the ſaid Truſtees, or any Three or more of them) before One or more Juſtice or Juſtices of the Peace for the ſaid County of Middleſex (which Oath ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter) give a true, exact, and perfect Account in Writing under his Hand, of all Monies which he ſhall have collected, paid, or diſburſed by reaſon of his ſaid Office, for which Oath no Fee or Reward ſhall be taken, and the ſame may be taken in Writing without any Stamp thereon.

Receiver alſo to account on Oath.

XI. And be it further enacted, That all and every Perſon and Perſons appointed by the ſaid Truſtees, or any Seven or more of them, to receive the Monies ſo collected and to be collected as aforeſaid, ſhall in like Manner keep a due and regular Account of the ſame, and ſhall upon ſuch Oath, if ſo required, before ſuch Juſtice or Juſtices as above enacted with reſpect to ſuch Collector as aforeſaid (who are hereby impowered to adminiſter ſuch Oath) give a true and perfect Account in Writing under his and their Hands of all the Monies by him or them received or paid by reaſon of his or their reſpective Offices, for which Oath no Fee ſhall be taken, and the ſame may be adminiſtred without a Stamp.

Impriſonment on not accounting.

XII. And be it further enacted by the Authority aforeſaid, That if any ſuch Collector or Receiver ſhall neglect or refuſe to account for any Sum or Sums of Money by them reſpectively collected or received, to the ſaid Truſtees, or any Seven or more of them, or to pay the ſame to ſuch Perſon or Perſons as they, or any Seven or more of them, ſhall by Writing under their Hands and Seals authorize and impower to receive the ſame, that then it ſhall and may be lawful to and for the Juſtices of the Peace of and for the ſaid County of Middleſex, at a Special Seſſions to be held for the ſame, to inquire of and concerning ſuch Neglects, Refuſals, Nonpayments, and Offences; and if any Perſon or Perſons ſhall be convicted by the ſaid Juſtices of any ſuch Neglect, Refuſal, Nonpayment, or Offence, then the ſaid Juſtices ſhall upon ſuch Conviction commit ſuch Perſon or Perſons to the common Gaol of the ſaid County, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid.

Diſtreſs on Non-payment of the Rates in Ten Days after Demand.

XIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any time or times neglect or refuſe to pay the reſpective Rates or Sums of Money by this Act required and enacted to be paid, within Ten Days after Demand made of the ſame, it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, under their Hands and Seals to direct and appoint ſuch Collector, with the Aſſiſtance of a Conſtable or Headborough (who is hereby required to be aiding and aſſiſting to ſuch Collector) to enter into the Dwelling-houſes rated as aforeſaid of ſuch Perſon or Perſons who ſhall make Default in Payment of the Sums of Money

Money by him or them payable, at any Time in the Day-time, and there to seize and distrain upon all or any Part of the Goods or Chattels in such House or Houses, and to take and carry away the same, leaving at such Dwelling-house the Cause of such Distress and taking. And in case the Inhabitant or Owner of the Goods and Chattels so taken or distrained shall not within Five Days next after such Distress made, and Notice thereof as aforesaid given, replevy the same with sufficient Sureties to be given to the Sheriff according to the Laws in being for Distresses in Cases of Nonpayment of Rent, that then after such Distress and Notice as aforesaid, and Expiration of the said Five Days the Person distraining shall and may, with the Sheriff or Under Sheriff of the said County of Middlesex, or any Constable or Headborough of the respective Parishes wherein the same shall happen, cause the Goods and Chattels so distrained to be appraised by Two sworn Appraisers (whom such Sheriff, Under Sheriff, Constable, or Headborough, are hereby impowered to swear) according to the best of their Understanding: And after such Appraisement it shall and may be lawful to and for the Person so distraining to sell the Goods and Chattels so distrained for the best Price that can be got for the same, towards Satisfaction of the Money due by virtue of this Act, and of the Charge of such Distress, Appraisement, and Sale, leaving the Overplus (if any) in the Hands of the said Sheriff, Under Sheriff, Constable, or Headborough, for the Owner's Use.

What Remedy in case of rescous or forcible Detention of Goods distrained.

XIV. And be it further enacted by the Authority aforesaid, That upon any rescous or tortious taking away, or forcible Detention of the Goods and Chattels so distrained as aforesaid, the said Trustees, or any Five or more of them, or the said Collector, shall and may in a special Action on the Case recover Treble Damages and Costs of Suit against the Offender or Offenders in any such rescous or tortious taking away, or forcible Detainer; and for want of sufficient Distress, and in case no such Distress shall be thought proper to be made, then it shall and may be lawful to and for the said Trustees, or any Five or more of them, in their own Names, or (if such Trustees, or any Five or more of them, shall think fit) in the Name of the Collector appointed as aforesaid, but for the Use or Uses appointed in this Act, to commence one or more Action or Actions at Law upon the Case, or in Debt, against any Person or Persons so refusing or neglecting to pay the Money payable by virtue of this Act, and shall and may upon such Action or Actions recover the Money so due or payable. And moreover if a Verdict or Judgement passes for the Plaintiff, or in case a Replevin be brought upon any such Distress as aforesaid, and a Verdict or Judgement passes or is rendered against the Person or Persons suing forth or taking out such Replevin, that then and in each of the Cases aforesaid the Person or Persons against whom such Verdict or Judgement shall pass, shall pay full Costs of Suit to the said Trustees, or their Collector for their Use. And in case any such Action shall be brought in the Name of the Collector, the same shall be proceeded upon, and not discontinued, vacated, or discharged, but by and with the Consent of the said Trustees, or the major Part of them.

Remedy if Distress be made where no Money is due.

XV. Provided always, and it is hereby enacted, That if any Distress shall be made where no Money shall appear to be due, or if any Action shall be brought against any Proprietor or Inhabitant of any of the said Houses, and the Plaintiff or Plaintiffs therein named shall be nonsuited, or discontinue his or their Action, or a Verdict or Judgement shall pass against him or them; that then, and in every such Case, the Party injured by such Distress or Action shall have and receive his or their full Costs of Suit.

The Recompence to be made to *A. Henley* and *W. Cowper*, how to be settled.

XVI. And to the End the said Anthony Henley and William Cowper may have a Recompence and Satisfaction for such Right and Interest as they respectively have or claim in the said Field called Copfield *alias* Cupfield, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or the major Part of them, to enter into any Agreement or Arbitration to and with the said Anthony Henley and William Cowper, their Executors, Administrators, or Assigns respectively, for the adjusting or settling the same; and if the said Trustees cannot come to any Agreement with the said Anthony Henley and William Cowper, their Executors, Administrators, or Assigns, or no Award and Determination shall be made upon such Arbitration, within Two Months after the said Second Day of June, One thousand seven hundred and thirty five, that then and in such Case the same shall be valued, assessed, ascertained, adjusted, and determined, by the Verdict of Twelve indifferent Men of the Parish or Parishes wherein the Premisses lie, to be returned by the Sheriff or Sheriffs of London and Middlesex; and the said Sheriff or Sheriffs are hereby impowered and required, upon Request to him or them made by the said Trustees, or any Five or more of them, to summon such Jury, in the same Manner as Juries are usually summoned upon Writs of Inquiry of Damages in Actions at Law for that Purpose, who are hereby required to attend upon such Summons, under the like Fines and Penalties upon Default as they would be subject to in case of Non-attendance upon any Writs of Inquiry (giving reasonable Notice to, or leaving such Notice in Writing at the Dwelling-houses or Places of Abode, as well of the said Anthony Henley and William Cowper, their Executors, Administrators, or Assigns, as of the said Trustees, or any Five of them, of the Time and Place of the Meeting of such Jury) and to charge such Jury upon Oath (which Oath the said Sheriff or Sheriffs, his or their Deputies or Deputy, are hereby impowered to administer) with the assessing, adjusting, ascertaining, and determining, the Value of such Right and Interest of the said Anthony Henley and William Cowper, their Executors, Administrators, or Assigns respectively, in the Premisses, and to cause the said Jury to view the Premisses, and also to examine upon Oath before such Jury (which Oath the said Sheriff or Sheriffs, his or their Deputies or Deputy, are hereby also impowered to administer) all such Witness or Witnesses as shall be produced as well on the Part of the said Trustees as of the said Anthony Henley and William Cowper, their Executors, Administrators, or Assigns, and to use all other lawful Ways and Means, as well for the summoning and appearing of the said Jury, as for the said Jury's proper Information

mation in the Premiſſes, as the ſaid Sheriff or Sheriffs, his or their Deputy or Deputies, ſhall think fit; and to take the Aſſeſſment, Valuation, and Verdict of the ſaid Jury, touching the Premiſſes, in Writing, to be ſubſcribed by the ſaid Jury, and to give Copies thereof as well to the ſaid Truſtees, as to the ſaid Anthony Henley and William Cowper, their Executors, Adminiſtrators, or Aſſigns, reſpectively; and ſuch Aſſeſſment, Valuation, and Verdict of the ſaid Jury, ſhall be binding and concluſive to all Intents and Purpoſes; and the ſaid Truſtees, or the major part of them, are hereby required, out of the ſaid Fund or Funds to be raiſed by virtue of this Act, to pay to the ſaid Anthony Henley, and William Cowper, their Executors, Adminiſtrators, or Aſſigns reſpectively, all ſuch Sum or Sums of Money as the ſaid Truſtees, or the major part of them, ſhall agree for, or ſhall be awarded upon ſuch Arbitration, or ſhall be ſo valued, aſſeſſed, aſcertained, and determined, by ſuch Jury as aforeſaid; and that upon Payment or Tender thereof, or leaving the ſame in the Hands of the Treaſurer of the ſaid Truſtees for the time being for the Uſe of ſuch Perſon or Perſons to whom the ſame ſhall belong, and Notice thereof given to ſuch Perſon or Perſons, that then and from henceforth all the Right and Intereſt of the ſaid Anthony Henley and William Cowper, their Executors, Adminiſtrators, and Aſſigns, in the Premiſſes, or any claiming or to claim, by, from, or under, the aforeſaid William Cowper, Robert Henley, and James Cowper, ſhall be veſted in the ſaid Truſtees for the Uſes and Purpoſes of this Act; but the ſaid Truſtees ſhall be ſubject nevertheleſs to ſuch Covenants as are contained in the Leaſe recited in this Act on the Part and Behalf of the Leſſees to be done and performed.

The Square of *Lincoln's Inn Fields* after 24 *June*, 1735, to be a diſtinct Ward as to the Scavenger and Watch,

XVII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty five, the ſaid great Square called Lincoln's Inn Fields, and the ſeveral Streets behind the South, Weſt, and North Sides thereof, ſo far as the Houſes in Lincoln's Inn Fields, or their Out-houſes, Ground, or Appurtenances do extend, and as far as the back Streets thereto ought to be paved, cleaned, or watched by the Inhabitants of the Houſes in Lincoln's Inn Fields, be a diſtinct and ſeparate Ward, as to the ſeveral Rates of the Scavenger, and Watch; and that the paving, cleaning, and watching thereof, be only under the Direction of the aforeſaid Truſtees, and that the ſame be exempt and diſcharged from paying any other Rates, Aſſeſſments, or Taxes, in reſpect of ſuch Houſes, Out-houſes, Ground, and Appurtenances, to the Scavenger, or Watch Rates of any other Ward or Diſtrict.

and the reſpective Pariſhes exonerated therefrom.

XVIII. Provided always, That the ſaid Pariſhes of Saint Giles in the Fields, Saint Andrew Holbourn, and Saint Clements Danes, from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty five, be reſpectively diſcharged and exonerated from watching any Part of the ſaid Square, or of ſuch Parts of the adjoining Streets as aforeſaid in reſpect of the ſaid Houſes, Out-houſes, or Ground, or any other of their Appurtenances belonging to the ſaid Square; and alſo from the taking away and removing all manner of Filth, Dung, Aſhes, Rubbiſh, or Annoiances whatſoever, which ſhall or may be laid, or brought in, upon, or againſt the ſaid Fields, Houſes, Out-houſes, Walls, and Appurtenances thereto belonging.

XIX. And foraſmuch as the Monies to be collected yearly for the Purpoſes in this Act, will not at preſent raiſe ſuch a Stock or Sum of Money as may be ſufficient for the ſpeedy incloſing, paving, cleanſing, repairing, or otherwiſe adorning and beautifying the ſaid Fields, and for defraying the reaſonable Charges in and about paſſing this Act; it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Inhabitants and Proprietors, or any of them, or for any other Perſon or Perſons, to advance and pay to the ſaid Truſtees, or to their Receiver, any Sum or Sums of Money not exceeding in the whole the Sum of Six thouſand pounds, for the abſolute Purchaſe of any certain Annuity or Annuities to be paid and payable during the full Term of Thirty two Years, or for the Life of any one ſingle Perſon, as the ſaid Truſtees, or the major part of them, ſhall think fit, to be reckoned reſpectively from the reſpective times ſuch Money ſhall be paid or advanced, and to be computed at ſuch Rate or Rates as ſhall be agreed on by the ſaid Truſtees, or the major part of them, with the Perſons paying or advancing ſuch Money, ſo as the Rate or Rates ſo to be agreed on for any ſuch Annuity or Annuities for thirty two Years do not exceed Seven per Centum per Annum for any Sum of One hundred Pounds, and proportionably for any greater or leſs Sum; and ſo as the Rate or Rates ſo to be agreed on for any ſuch Annuity or Annuities for the ſingle Life of any one Perſon do not exceed Eight and an half per Cent. And the Purchaſe Money for every ſuch Annuity at the Rate aforeſaid, is hereby appointed to be paid to the ſaid Truſtees, or to their Receiver, at ſuch times alſo as ſhall be for that purpoſe agreed on by and between the ſaid Parties; all which Annuities ſhall be paid and payable to the Purchaſers of the ſame, their Executors, Adminiſtrators, or Aſſigns, by even and equal half-yearly Portions, the firſt Payment thereof to be due at the End of Six Months from the time of paying the Purchaſe Money for the ſame.

The Truſtees may grant Annuities for 32 Years.

The Rates allowable on ſuch Annuities.

Money paid on Annuities how to be applied.

XX. And it is hereby further enacted, That the ſaid Sum received by the ſaid Truſtees or their Receiver for ſuch Annuities as aforeſaid, ſhall be applied and diſpoſed of as the Sums to be collected and received from the Proprietors and Inhabitants of the ſaid Houſes ſhould have been applied and diſpoſed of by virtue of this Act, if ſuch Annuities had not been taken thereout.

Money paid for Annuities to be regiſtred,

and proper Inſtruments ſigned by the Truſtees to be granted thereon,

XXI. And to the Intent that the ſaid Annuities may be effectually ſecured, and duly and regularly paid, it is hereby further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall cauſe proper Books to be kept for the regiſtring the Sums of Money paid and advanced for the purchaſing of the ſaid Annuities, wherein the ſaid Truſtees ſhall from time to time cauſe to be made due and regular Entries of the Sums paid, the Times when paid, and the Names of the Perſons paying the ſame; and the ſaid Truſtees, or the major Part of them, ſhall by proper Inſtruments or Deeds under their Hands and Seals grant ſuch Annuities, iſſuing out of ſuch yearly Rates, for ſuch principal Sums as aforeſaid; and the reſpective yearly Rates, Sum and Sums of Money, hereby enacted to

be paid by the Proprietors and Inhabitants of the Houses aforesaid, shall be charged and chargeable in the first Place with and for the Payment of such Annuities, and all Arrears thereof from time to time, and shall vest in the Annuitants upon default of Payment of such Annuities, till the same shall be fully paid and satisfied, together with Interest, and the Costs and Charges occasioned by the Non-payment of the same. And the said Annuitants, in case there shall be any Arrear of the said Annuities, and until full Payment thereof, with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of distraining or suing for the Sums of Money payable by the said Proprietors and Inhabitants, in respect of the said Annuities, as the said Trustees or their Collectors could have had in case the said Annuities had been regularly and fully paid and satisfied.

and the yearly Rates chargeable with the Repayment.

XXII. And it is hereby further enacted, That the said Annuities shall be deemed personal Estates, and shall and may be assignable and transferrable by Indorsement, or otherwise, to any Person or Persons whatsoever; and the Person or Persons to whom such Transfer or Assignment is made, from and after the time that the same is entered in a Book or Books to be kept for that purpose, by, or by the Order of the said Trustees, or the major Part of them, shall be well and sufficiently intitled to such Annuity or Annuities, and to all Monies due and to grow due thereon.

The Annuities to be deemed personal Estates, assignable to others,

XXIII. And it is hereby further enacted, That such Assignee or Assignees, and every after Assignee and Assignees, shall and may in like Manner by Indorsement or otherwise transfer, assign, and make over the said Annuity or Annuities so assigned as aforesaid; and so toties quoties, as Occasion shall require. And it shall not afterwards be in the Power of any Person or Persons who have made such Assignment or Assignments to revoke or make void the same; and such Annuities also shall and may be devisable by the Will of the respective Owners of the same, and the same shall be free and exempt from all Parliamentary or other Taxes, Duties, Rates, and Assessments whatsoever.

devisable by Will, and free from Taxes.

XXIV. Provided nevertheless, and it is hereby further enacted, That if the said Trustees, or the major Part of them, shall, instead of granting such Annuities as aforesaid, judge it more reasonable to borrow Money for the Purposes aforesaid, re-payable with Interest at times to be agreed on, or shall think it proper to grant Annuities in Part, and borrow Money in other Part, for the Purposes aforesaid, then it shall and may be lawful to and for the said Trustees, or the major Part of them, to borrow, take up, and receive, any Sum or Sums of Money, as they shall so think proper, and to mortgage, charge, convey, or incumber, the said Rate or Rates payable by the Proprietors and Inhabitants with and for the Repayment of the Sums so borrowed, with such Interest, at such times, and with such Provisoes and Conditions of Redemption, as shall be agreed on; so nevertheless that the Principal Money to be borrowed do not together with the Money received for the Purchase of any Annuities at any one time exceed in the whole the Principal Sum of Six thousand Pounds, and so as the Interest for the Monies so borrowed do not exceed the Rate of Four Pounds per Centum per Annum.

Trustees may incumber the said Rates with Mortgages as well as Annuities, if they think convenient,

but not to exceed 6000 *l.*

XXV. And be it further enacted by the Authority aforesaid, That for the continuing a sufficient Number of fit and able Persons to be Trustees for putting this Act in Execution, it shall and may be lawful to and for the said Trustees or the major Part of the Survivors of them upon the Death of any of the said Trustees, to meet (due Notice being given of such Meeting as aforesaid) and by any Writing or Writings under their Hands and Seals or under the Hands and Seals of the major Part of them, from time to time and at all times thereafter to elect, nominate, and appoint, in the Room of such Trustee and Trustees so deceased, so many more fit and able Persons, being Proprietors or Inhabitants of any of the Houses in the aforesaid three Lines of the said Fields, to be joined with the surviving Trustees in the Execution of all and every the Powers and Trusts in them reposed by virtue of or in pursuance of this Act, as will make up the aforesaid Number of Twenty one Trustees; and all and every Person and Persons so to be chosen as aforesaid shall have the same Rights and Privileges, and shall and may, and they are hereby impowered to act to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees which shall be first chosen in pursuance of this Act, and so toties quoties, as Occasion shall be or require.

On Death of Trustees others to be chosen.

XXVI. Provided always, and be it further enacted by the Authority aforesaid, That if any Trustee, who shall be chosen pursuant to this Act, shall, being a Proprietor of any of the Houses in the said Fields, alien, convey away, or assign his Property, Right, and Title in or to such his House or Houses, or if any Inhabitant shall quit his House, and remove out of the said Square to some other Habitation, that then every such Person shall, from the time of such his Alienation, Conveyance, Assignment, or Removal, cease to be a Trustee for the putting this Act, or any of the Powers therein contained, in Execution; and all and every the Trusts, Powers, and Privileges herein, and hereby reposed in, or conferred upon, or given or granted to such Person so aliening, conveying, assigning, or removing, shall, as to him or them, absolutely cease and determine, and the same shall vest in the other Trustees who shall have been elected in Manner aforesaid; and it shall and may be lawful to and for the said other or remaining Trustees, or the major Part of them, to proceed to a new Election of other Trustees in the Room of such who shall so aliene, convey, assign, or remove, as aforesaid.

Any Trustee aliening his Property in, or removing his Habitation from the Square, disabled to act in the said Trust.

XXVII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done or to be done in pursuance of this Act, or in relation to the Premisses, that then and in every such Case the Action or Suit shall be commenced within Three Months next after the Fact committed, and not afterward; and the same and every such Action and Suit shall be brought and laid in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Actions or Suits respectively to be brought shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of, and by Authority of this present Act: And if the same shall appear so to have been done, or if any such Action or Suit shall be brought after the time before limited for bringing the same, or shall be brought or laid in any other County or Place, then the Jury shall find for the Defendant or Defendants; and upon such,

Limitation of Actions.

General Issue.

such, or upon any other Verdict to be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant and Defendants shall and may recover full Costs, and have the like Remedy for Recovery thereof, as any Defendant or Defendants hath or have in any other Cases by Law.

Full Costs.

Publick Act.

XXVIII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and the Judges and Justices are hereby required to take Notice of the same as such.

CAP. XXVII.

An Act for rebuilding the Parish Church of Saint *Leonard Shoreditch* in the County of *Middlesex*.

Preamble.

WHEREAS the Parish Church of Saint *Leonard Shoreditch*, in the County of *Middlesex*, is a very ancient Fabrick, and being built at first with Chalk and Rubble, is now so decayed in the Walls and Pillars, and most other Places thereof, that the whole Building is in a very ruinous Condition; now to the Intent the said Church and Steeple may be rebuilt, for the publick Worship of God, and the Instruction of the Inhabitants of the said Parish in the true Christian Religion as now professed in the Church of *England*, and that the same may be effected in a Manner that may be least burthensome to the Inhabitants of the said Parish; may it please Your most Excellent Majesty, at the humble Request of the Vicar, Churchwardens, and other Inhabitants of the said Parish, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Trustees herein after appointed, or for any Nine or more of them, to cause the said Parish Church, and the Steeple thereof, to be pulled down, and to be rebuilt after such Model, and of such Dimensions, and of such Materials, and in such Manner, as by the said Trustees shall be agreed upon.

Nine or more of the Trustees may cause the old Church to be pulled down, and a new one to be built, in such manner as they shall think fit.

II. And for defraying the Expences of pulling down and rebuilding the said Church, be it further enacted by the Authority aforesaid, That from and after the First Day of June, in the Year of our Lord One thousand seven hundred and thirty five, the several Funeral Rates and Duties which have been anciently and accustomably payable and paid, and are mentioned and specified in a certain Indenture bearing Date the Eighth Day of April, in the said Year of our Lord One thousand seven hundred and thirty five, and made between the Vicar of the said Parish of the one Part, and the Churchwardens and Overseers of the Poor of the same Parish of the other Part, and to be inrolled in the High Court of Chancery, shall be collected, levied, and paid in the said Parish, for the Burial of any Person, in the Manner therein mentioned.

The Expences to be born out of the Funeral Rates, as settled by the Indenture 8 *April*, 1735.

III. And be it enacted by the Authority aforesaid, That for every Person who shall during the Continuance of this Act die within the said Parish, and be buried in any Church, Church-yard, or other Ground or Burial Place, not belonging to the said Church, there shall be paid for the Use and Benefit of the said Parish of Saint Leonard Shoreditch, and for the Purposes of this Act, such and the same Rates and Duties as if such Person had been actually buried in the same Parish. Rep. 11 *Geo.* II. *c.* 23. *f.* 3.

The full Rates to be paid for Burials of Persons dying in the said Parish, but buried elsewhere, during this Act.

IV. And be it enacted by the Authority aforesaid, That when any of the Bells of the said Church shall be required to be rung or tolled upon Occasion of the Death or Burial of any Person in the said Parish, there shall be paid such Rates and Duties for the same, as in and by the said Indenture to be inrolled in Chancery is in that Behalf mentioned, agreed upon, and provided.

Rates for tolling the Bell,

V. And be it enacted by the Authority aforesaid, That all Monies arising or to arise by or from the Use of Palls, which shall, during the Continuance of this Act be supplied, or furnished by, or at the Charge of, the said Parish, shall be applied to and for the Uses and Purposes mentioned in this Act; and that the Churchwardens of the said Parish for the time being shall provide Two or more handsome and decent Palls, for the Use and Service of Funerals in the said Parish; and that no Person or Persons whatsoever shall presume to bring, or cause to be brought, into the said Church, or any of the Church-yards or Cemeteries belonging to the said Parish, any Pall or Palls, unless such Person or Persons shall first pay such Rates or Duties for the same as in the said Indenture to be inrolled in Chancery is mentioned, agreed upon, and provided.

and the Use of Palls, to be as settled in the said Indenture.

No other Palls to be used at Funerals, till Payment of the said Rates.

VI. And to the End that all the Monies which shall arise by the Rates and Duties above mentioned, may be duly paid, and faithfully applied to answer, satisfy, and discharge all such Sums of Money as shall be necessary for the rebuilding and adorning the said Church, and which shall be advanced and lent upon the Credit of this Act, for the Purposes aforesaid, in such Manner as is herein after mentioned; be it further enacted by the Authority aforesaid, That it shall be in the Power of the Vicar and Churchwardens of the said Parish for the time being, and the Lord Bishop of the Diocese for the time being, the Members of Parliament for the County of Middlesex, and the City of London, for the time being, the Dean of the Cathedral Church of Saint Paul in London for the time being, the Chancellor of the Diocese of London for the time being, the Archdeacon of London for the time being, Edward Earl of Darnley, of the Kingdom of Ireland, Richard Bateman Esquire, Edward Boucher, Daniel Bird, William Barnet, Joseph Bayley, James Bwye, George Brown, John Biggs, John Burton, John Bowers, Richard Bowles, Samuel Clarke, Nathaniel Chandler, John Calvert, James Colebrooke, Esquires; John Curryer, Thomas Corderoy, John Cann, Nahum Crosley, Joseph Coggin, John Collett, Thomas Colebrook, Giles Dance, Matthew Deane, Edward Dyer, Joseph Foster, William Guy Esquire, William Goswell, Frampton Guy, Ralph Harwood, William Hamilton, Robert Haws, Paul Hensch, Esquires; James Hannott, John Hewett, John Hart, William Hinton, Thomas Haines, Samuel Horseman B. D. Robert Hackshaw, George Holme, William Jewkes, Cornelius Jesson, John Jewkes, Joseph Ingram, William King, Daniel King, Baptist Lee Esquire, John Lowther, Michael Marlow, Thomas Mills, Edward Moore, Daniel Miller, James Miller, George Nicholls Esquire, Andrew

Trustees.

Andrew Osborne Esquire, Thomas Pearce, Charles Pitfield, Edward Peck, Esquires; Nathaniel Pretty, Samuel Petty, Thomas Prior, Thomas Pelleson, John Peters, Robert Porter M. D. Thomas Robinson, John Smart, Peter Stutzer junior, Thomas Shirley, John Slemaker, William Horsmonden Turner, William Tillard, Francis Tyssen, Esquires; Thomas Taylor, William Unsworth, James Worsley, Anthony Watson, Cornelius Wittenoom, Esquires; Joseph Welch, John Waller, William Woolerton, William Wood, Henry Williams, John Wright, Israel Wilks junior, Thomas Waxham, Thomas Woolley, and William Williams, who are hereby appointed Trustees for putting this Act in Execution, and the Survivors of them, or any Nine or more of them, to receive and take the several and respective Rates and Duties herein before mentioned, and the same are hereby vested in the said Trustees for the Purposes aforesaid, and shall be by them paid and applied to and for the several Uses and Purposes aforesaid in such Manner as is herein after mentioned (the necessary Charges expended in obtaining this Act of Parliament being first deducted) and they the said Trustees, or any Nine or more of them for the time being, are hereby impowered by themselves, or any Person or Persons by them, or any Nine or more of them for the time being, by Writing under their Hands and Seals to be thereunto authorized, to levy the said Rates and Duties upon any Person or Persons liable to pay the same, who after Demand made thereof shall refuse to pay the same according to the true Intent and Meaning of this Act, by Distress of the Goods and Chattels belonging to the Person or Persons so refusing, and to detain and keep the same until such Rates and Duties with the reasonable Charges of such Distress shall be paid; and that it shall be lawful for such Person and Persons so distraining (after the Space of Three Days next after such Distress taken) to sell the Goods so distrained, returning the Overplus (if any be) to the Owner or Owners thereof, after such Duty or Duties, and reasonable Charges for distraining, keeping, and selling the same shall be deducted.

The Rates and Duties vested in the Trustees for the Uses of this Act.

Distress on Nonpayment.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Parishioners of the Parish of Saint Leonard Shoreditch aforesaid, in their Vestry assembled, and they are hereby authorized, impowered, and required, within Two Months after the passing this Act, to nominate Twelve substantial Inhabitants of the said Parish who have not served the Office of Scavenger therein, out of which Twelve Persons so to be nominated, and in Default of such Nomination out of the other Inhabitants who have not served that Office there, the Trustees aforesaid, or any Nine of them, are hereby authorized, impowered, and required, to choose and appoint Four Persons to be Receivers or Collectors of such Rates, Duties, and Sums of Money, as shall be due and payable by virtue of this Act from all Persons liable to pay the same; and the said Parishioners, in their Vestry assembled, are also hereby authorized, impowered, and required, on the Tuesday in Easter Week, in the Year of our Lord One thousand seven hundred and thirty six, and also on the Tuesday in Easter Week in every succeeding Year, to nominate Twelve other like Inhabitants; and the said Trustees shall choose and appoint Four of them, and, in Default of such Nomination, Four other like Inhabitants, to be Receivers or Collectors of the same Rates, Duties, and Sums of Money, for the Purposes of this Act; and all Persons who by virtue of this Act are charged therewith, or liable thereto, are hereby required to pay the said Rates and Duties unto such Receivers or Collectors accordingly (the said Receivers and Collectors giving Receipts for the same gratis) and also that such Receivers or Collectors for the time being shall annually, during the Continuance of this present Act, give in a particular and true and perfect Account in Writing under their respective Hands of all Monies which they and every of them shall in every Year have respectively received, collected, or levied, by virtue of this Act, or by virtue of any Power or Authority in Pursuance thereof, or by Reason or Means of the said Offices respectively, and shall also within Twenty Days after the Feast of Saint John the Baptist, the Feast of Saint Michael the Archangel, the Feast of the Nativity of our Lord Christ, and the Feast of the Annunciation of the Blessed Virgin Mary, in every Year, pay all such Monies as shall be in their or any of their Hands to the said Trustees, or any Seven or more of them, or to such Person or Persons as the said Trustees, or any Seven or more of them, shall by any Writing or Writings under their Hands and Seals authorize and impower to receive the same, all which Monies shall be applied according to the true Intent and Meaning of this Act, and not otherwise. And in case any Person or Persons who shall be so chosen or appointed a Collector or Collectors, Receiver or Receivers, of the said Rates and Duties, in pursuance of this Act, shall neglect or refuse to act in or execute such Duty or Office, then every Person so neglecting or refusing shall forfeit the Sum of Ten Pounds to the Trustees appointed by this Act, to be levied, recovered, and applied in such and the same Manner as the Duties to be raised by virtue of this Act are herein before directed to be levied, recovered, and applied; and that upon every such Neglect or Refusal of any Person or Persons so to act in such Duty or Office as aforesaid, then and in such case it shall and may be lawful to and for the said Trustees, and they are hereby authorized and required, to choose and appoint a new Collector or Receiver in the Place and Stead of such Person or Persons so neglecting or refusing to act as aforesaid; and every such new Collector or Receiver shall be subject and liable to such and the same Duties and Penalties, as the Person in whose Place he succeeds was subject and liable to.

The Vestry within Two Months to nominate 12 Inhabitants,

out of which the Trustees are to choose 4 Persons to collect the Rates; and so on every *Tuesday* in *Easter* week yearly.

Collectors to account annually.

10*l.* Penalty on refusing to act, when appointed to be a Collector;

and another to be chosen.

VIII. Provided always, That all and every Person and Persons, who shall have served the said Office of Collector or Receiver of the said Rates and Duties during the Time for which he shall be thereto appointed by virtue of this Act, shall from thenceforth be totally exempted and discharged from serving the Office of Scavenger in or for the said Parish of Saint Leonard Shoreditch.

Persons serving as Collectors discharged from the Office of Scavenger.

IX. And it is hereby further enacted by the Authority aforesaid, That in case such Collector or Collectors, Receiver or Receivers aforesaid, or any of them, shall neglect or refuse to make such Account or Payment as is before required to be made by this Act, that then the Justices of the Peace at any General or Quarter Session, or any other Session or monthly Meeting to be holden for the Division in which the said Parish doth lie, shall and may upon Complaint thereof make Enquiry concerning such Neglect or Refusal, as well by the Confession of the Parties themselves as by the Oaths of One or more credible

Collectors refusing to account to be imprisoned.

credible Witneſs or Witneſſes (which Oaths the ſaid Juſtices are hereby impowered to adminiſter) and if any ſuch Collector or Receiver ſhall be convicted of ſuch Neglect or Refuſal before ſuch Juſtice of the Peace, that then the ſaid Juſtice of the Peace ſhall upon ſuch Conviction commit the Perſon or Perſons ſo offending to the County Gaol, there to remain without Bail or Mainprize until he and they ſhall have made a true and perfect Account and Payment as aforeſaid.

Truſtees may borrow Money and grant Annuities on the Rates, not exceeding 800*l.*

X. And foraſmuch as borrowing Monies upon the Credit of this Act will be the moſt ſpeedy and effectual Method to accompliſh the pious Purpoſes aforeſaid, be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, to contribute, advance, and pay into the Hands of the ſaid Truſtees, or any Nine or more of them, for the Uſes before mentioned, any Sum or Sums of Money not exceeding in the whole the Sum of Eight thouſand Pounds, for the abſolute Purchaſe of one or more Annuity or Annuities, to be paid and payable during the full Term of the natural Life of ſuch Contributors reſpectively, or the natural Life of ſuch other Perſons as ſhall be nominated by or on Behalf of ſuch reſpective Contributors at the time of Payment of their reſpective Contribution Monies; which Annuity or Annuities ſhall not exceed the Rate of Eight Pounds ten ſhillings per Annum for every One hundred Pounds, and ſo in proportion for any greater or leſſer Sum to be advanced and paid as aforeſaid; all which ſaid Annuities ſo to be purchaſed as aforeſaid ſhall not exceed in the whole the Sum of Six hundred and eighty Pounds per Annum and ſhall be payable and paid by the ſaid Truſtees, or any Three or more of them, in the Veſtry Room of the ſaid Pariſh, at or upon the Four moſt uſual Feaſts or Days of Payment in the Year herein before mentioned by even and equal Portions, the firſt Payment to begin and be made to the reſpective Purchaſers and their Aſſigns at or on ſuch of the Feaſts aforeſaid, as ſhall firſt happen next after Payment of their reſpective Purchaſe Monies, which Annuities ſhall be publickly ſold by the ſaid Truſtees to the beſt Bidder.

at 8*l.* 10*s. per Cent.*

The Purchaſers Names and Places of Abode to be regiſtred,

XI. And it is hereby enacted, That there ſhall be provided by the ſaid Truſtees, and kept in the Veſtry Room of the ſaid Church, a Book or Books, in which ſhall be fairly written in Words at length the Names and Surnames, with the proper Additions and Places of Abode, of all Perſons who ſhall be Purchaſers of any of the Annuities aforeſaid, and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon this Act, and alſo the Sum and Sums ſo paid for the Purchaſe of ſuch Annuities, and the reſpective Days of Payment thereof; to which Books it ſhall be lawful for the ſaid reſpective Purchaſers and their Aſſigns, and to and for any Perſon or Perſons who ſhall be liable to pay any Aſſeſſments to be made by virtue of this Act, from time to time and at all ſeaſonable times to have recourſe and to inſpect the ſame without Fee or Reward.

and the Regiſter inſpected without Fee.

The Annuities to be payable out of the aforeſaid Rates, and free from the Land Tax.

XII. And be it further enacted by the Authority aforeſaid, That all and every the Annuities ſo to be purchaſed under and by virtue of this Act, ſhall be, and are hereby charged upon, and ſhall be paid and payable from time to time out of the Monies ariſing by the ſaid Rates and Duties herein before mentioned; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money at the Rate aforeſaid for any ſuch Annuity or Annuities as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective Aſſigns, ſhall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed, out of the ſaid Rates and Duties by this Act appropriated or appointed for the Payment thereof, during the Term of the natural Life of the Perſon to be nominated by each ſuch Purchaſer or Contributor as above mentioned; and that all and every ſuch Purchaſer and Purchaſers, and their Aſſigns reſpectively, ſhall have good, ſure, abſolute, indefeaſible Eſtates and Intereſt in the Annuities ſo by them reſpectively to be purchaſed according to the Tenor and true Meaning of this Act; and that none of the ſaid Annuities ſhall be ſubject or liable to the Tax charged upon Lands by Authority of Parliament.

The Truſtees to ſign the Orders for Annuities.

XIII. And be it enacted by the Authority aforeſaid, That every Contributor upon this Act for the Purchaſe of any ſuch Annuity or Annuities as aforeſaid, his, her, or their Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame, at the Rate aforeſaid, or any Part or Proportion thereof, into the Hands of the ſaid Truſtees, or any Nine or more of them, ſhall have One or more Receipt or Receipts importing the Receipt of ſo much Purchaſe Money as ſhall be ſo paid; and upon Payment of all the Purchaſe Money for any ſuch Annuity or Annuities at the Rate aforeſaid, every ſuch Contributor, his, her, or their Aſſignes reſpectively, ſhall have an Order in Parchment or Vellum for Payment of the ſaid Annuity or Annuities for and during the natural Life of ſuch Perſon as ſhall be nominated and purchaſed therein as aforeſaid, which Order ſhall be ſigned by the ſaid Truſtees, or any Nine or more of them, and after ſigning thereof the ſame ſhall be firm, good, valid, and effectual in Law, according to the Purport and true Meaning thereof and of this Act.

Annuities aſſignable.

XIV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to or for any Purchaſer or Purchaſers of any ſuch Annuity or Annuities as aforeſaid, and his, her, or their Executors, Adminiſtrators, or Aſſigns, at any time or times, by Writing under his, her, or their Hands and Seals, to aſſign ſuch Annuity or Annuities, or any Part thereof, or Intereſt therein, to any Perſon or Perſons whatſoever, and ſo toties quoties; and a Memorandum or Entry of all ſuch Aſſignments ſhall be made in a Book which is hereby required to be kept for that purpoſe at the Charge of the ſaid Truſtees in the Veſtry Room belonging to the ſaid Church, which Entry or Memorandum ſhall be made gratis.

Deficiency in Annuities to be ſupplied by an Aſſeſſment on Lands, &c. but not to exceed 1*s.* in the Pound of the yearly Rent;

XV. And whereas the Rates and Duties before mentioned may happen to fall ſhort and be deficient to pay the Annuities by this Act charged thereon as aforeſaid; be it further enacted by the Authority aforeſaid, That ſuch Deficiency ſhall from time to time be ſupplied and made good by an Aſſeſſment on all Lands, Houſes, Tenements, and Hereditaments, within the ſaid Pariſh, not exceeding One Shilling in the Pound of the yearly Rent of ſuch Lands, Houſes, Tenements, and Hereditaments, as the ſame ſhall be aſcertained and rated by the Land Tax for the time being, and for that purpoſe the Truſtees appointed by this Act, or any Nine or more of them, when and as often as ſuch Deficiency ſhall happen, ſhall and may by Writ-

ing under their Hands and Seals, and they are hereby authorized and required, to order and direct the Receivers and Collectors so to be chosen and appointed as aforesaid, for the time ing, to assess upon and collect from the Owners and Occupiers of such Lands, Houses, Tenements, and Hereditaments, such Rates and Sums of Money as shall be sufficient to answer and make good such Deficiency as aforesaid, Two third Parts of which Rates and Assessments shall be paid by the Landlords or Owners, and the other Third Part by the Tenants or Occupiers, of such Lands, Houses, Tenements, and Hereditaments; and which said Tenants and Occupiers shall and may deduct and retain out of the Rents payable to the Landlords and Owners of the same Premisses the said Two third Parts of such Rate or Assessment so to be made and collected as aforesaid; and the said Landlords (mediate or immediate) according to their respective Interests, are hereby required to allow to such Tenants such Deductions and Payments accordingly; and every Tenant paying any such Rate or Assessment for or upon the Landlord's Account, shall be acquitted and discharged for so much Money as the same shall amount unto, as fully and effectually as if the same had been actually paid to any such Landlord or Landlords, or other Person or Persons to whom his or her Rent was or should have been paid or payable by such Rates or Assessments, and the Money arising therefrom shall be recovered, accounted for, paid, and applied, in such Manner, and for such Purposes as the other Duties by this Act directed to be raised and levied are directed and appointed to be recovered, accounted for, paid, and applied.

Two thirds to be paid by the Landlord, and the other third by the Tenants.

XVI. Provided always, That in case any House or Tenement shall be set, lett, or occupied in different Appartments, Rooms, or Lodgings, to or by distinct and separate Families, Lodgers, or Inmates, the whole House or Tenement so lett and occupied shall be charged with the whole Rate assessed, or to be collected, for or in respect of the same; and in case of Nonpayment shall and may be levied and recovered upon and from any of the Inhabiants or Occupiers of any Part or Parts of such House or Tenement, in such and the same Manner as the other Duties directed by this Act to be raised are appointed to be levied and recovered.

But the whole House to be charged therewith.

XVII. Provided always, and it is hereby enacted and declared, That the Payment of the Rates, Duties, and Assessments, directed to be raised and levied by this Act, shall not intitle any Person or Persons whatsoever to a Settlement in the Parish of Saint Leonard Shoreditch, who was not before such Payment legally intitled to such Settlement in the said Parish.

The Payment of these Assessments shall not intitle to a Settlement in the Parish.

XVIII. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Receivers and Collectors to be appointed pursuant to this Act, at all convenient Times to inspect the Books of Assessments of the Land Tax for the said Parish, in order to ascertain the Rates and Duties to be levied by virtue of this Act, and to take Copies thereof at their own Expence.

Collectors may inspect the Books of Assessments for the Land Tax, in order to ascertain the Rates.

XIX. And for Continuance of a sufficient Number of fit and able Persons to be Trustees for putting this Act in Execution, be it further enacted by the Authority aforesaid, That from time to time, and at all times hereafter during the Continuance of this Act, as the Number of the said Trustees appointed by this Act, or hereafter to be elected in pursuance thereof, shall be reduced to Fifty, it shall and may be lawful for the surviving and other Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals to nominate, elect, and appoint other fit and able Person or Persons, either Landlord or Tenant, to be Trustees with them for the Purposes of this Act.

When the Trustees shall be reduced to Fifty, the Survivors may elect others in their Stead.

XX. Provided always, That if any Person chosen or appointed a Trustee for the Purposes of this Act, shall undertake any Part of the Building of the said new intended Church, or have any Share or Interest in any Contract relating thereto, every such Person shall from thenceforth be utterly disabled and disqualified from acting in the said Trust; and that no Trustee herein before named, or hereafter to be appointed as aforesaid (other than those intitled to be Trustees by virtue of their Offices or Stations, as aforesaid) shall act in the Execution hereof, but during such time as they shall respectively pay, or be liable to pay, either as Landlord or Tenant, for Twenty Pounds a Year, towards the Rates and Assessments aforesaid.

Trustees interested in any Contracts for the new Church disabled from acting, as are also those who shall not be assessed at 20*l. per Ann.*

XXI. And be it further enacted by the Authority aforesaid, That the several Rates and Assessments hereby directed and appointed to be raised and levied in the Case and for the Purposes aforesaid shall take Place and have Continuance from the said First Day of June, in the Year of our Lord One thousand seven hundred and thirty five, for and during such Time only as any of the Annuities to be granted pursuant to this Act as aforesaid shall have Continuance, and when and as there shall be Occasion or Necessity to raise the same, and no longer, and not otherwise; and from and after the Determination of all the said Annuities such Rates and Assessments shall cease and determine, and from thenceforth the ancient and accustomed Rates and Duties for Funerals as the same are specified and expressed in the said Indenture to be inrolled in Chancery shall be payable or paid, and that in such Manner and Form, and to such Uses, as before the passing of this Act; any thing herein contained to the contrary notwithstanding.

The Rates to commence from 1 *June*, 1735, and be continued no longer than necessary; and then the ancient Rates for Funerals to be paid as before.

XXII. And it is further enacted by the Authority aforesaid, That the said Trustees or any Nine or more of them, shall have full Power and Authority, and they are hereby authorized and impowered, to sell and dispose of the Materials of the said Church, to such Person or Persons as shall be willing to purchase the same, and out of the Money arising by such Sale, and by the Rates and Duties payable by this Act, to erect a Tabernacle, or provide a Place that is decent and convenient for the Service and Worship of God, during the rebuilding the said Church, and also when the new intended Church shall be built and finished, to take down the said Tabernacle (if erected) and sell and dispose of the Materials thereof, and apply the Money thereby arising and to be produced for the Purposes of this Act; and that such Tabernacle so to be erected, or Place so to be provided, shall, in the mean time and until the said Church shall be rebuilt and Divine Service performed therein, be deemed and reputed to be a Parish Church.

Trustees may dispose of the Materials of the old Church, and erect a Tabernacle, &c. which shall be reputed a Parish Church during the rebuilding.

XXIII. And be it further enacted, That the said Trustees shall take care to have all Receipts, Payments, Debts, Credits, and Contracts made with or by the Artificers and Workmen employed, or to be employed in or about the rebuilding of the said Church and Steeple, and

All Receipts, Debts, Contracts, &c. to be entred.

Premisses

Premiſſes, or any relating thereto, and all other their Proceedings to be fairly written and entred in one or more Book or Books to be kept for that purpoſe, and by or out of the Rates or Aſſeſſments to be made as aforeſaid, or by or out of any other Sum or Sums of Money which ſhall come to their or any of their Hands, or to the Hands of any Receiver or Receivers to be by them appointed, ſhall pay and ſatisfy, or cauſe to be paid and ſatisfied, unto the Artificers and Workmen to be employed in and about the re-building of the ſaid Church and Steeple, and Premiſſes, all Sums of Money which ſhall be juſtly due to them, or any of them, for the ſame.

All Books of Accounts of Receipts, &c. to be inſpected by Perſons paying the Rates.

XXIV. And it is hereby further enacted and declared by the Authority aforeſaid, That all Books of Accounts concerning Receipts, Payments, Credits, and Contracts, ſhall from time to time and at all convenient times be open to the Inſpection and Peruſal of any Perſon or Perſons who ſhall pay any Rates or Aſſeſſments by virtue of this Act.

Truſtees to defray their own Charges at, and give previous Notice of, their ſeveral Meetings.

XXV. And be it further enacted by the Authority aforeſaid, That the Truſtees appointed for the Purpoſes mentioned in this Act, ſhall at all their Meetings defray their own Charges and Expences, and ſhall give ſuch publick previous Notice of their ſeveral Meetings, as ſhall from time to time be agreed on.

XXVI. And whereas it may be found neceſſary for the more convenient Situation of the Church and Steeple, when they come to be rebuilt, and for the Enlargement of the Churchyard, to take down the Veſtry Room, Clerk's Houſe, and Sexton's Houſe, at the Weſt End of the Church, and make an Exchange for ſome Part of the Ground belonging to the Vicarage Houſe there,

The Truſtees, with Conſent of the Ordinary and Patron, may rebuild the Clerk's and Sexton's Houſe.

it is therefore hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, and they are hereby authorized and impowered, to take down and rebuild in the ſaid Churchyard ſuch Veſtry Room and Clerk's Houſe, and make ſuch Exchange with the Vicar, with the Conſent of the Ordinary and Patron, and to defray the Charges thereof, and other neceſſary Charges relating to the ſaid Churchyard, out of the Monies to be raiſed by virtue of this Act.

The Veſtry, with Conſent of the Truſtees, may make Alterations in the Burial Duties, ſo as not to exceed, in the Total, the uſual Rates.

XXVII. And be it further enacted, That it ſhall and may be lawful for the Pariſhioners in Veſtry aſſembled, with the Conſent of the ſaid Truſtees, or any Nine of them, to make ſuch Alterations in the ancient and accuſtomed Rates and Duties for Burials, as to the Ground and Bells, as they ſhall think convenient and neceſſary, as well during the Building of the ſaid new Church as after the ſame ſhall be finiſhed, ſo as ſuch Alterations be in like Manner inrolled in Chancery, and the whole Sum to be paid on any ſuch Occaſion do not exceed the Rates and Duties that have been uſually paid and received in the ſaid Pariſh for the Burial of any Perſon in like Caſes.

Haberdaſhers Almſhouſes not to be charged by this Act.

XXVIII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained ſhall authorize and impower the ſaid Truſtees, or the Receivers or Collectors to be by them appointed as aforeſaid, or any of them, to charge any of the Hoſpitals or Almſhouſes belonging to the Company of Haberdaſhers in the City of London, ſituate and being in the Pariſh of Saint Leonard Shoreditch aforeſaid, or any of the Meſſuages, Lands, Tenements, or Hereditaments, appropriated for the Maintenance of the ſame Hoſpitals or Almſhouſes, with the Payment of any Rate or Aſſeſſment for the Purpoſes of this Act; and that the ſaid Company ſhall and may be at Liberty to bury their Dead dying within the ſaid Hoſpitals or Almſhouſes in the Cemetery or Burying Ground belonging to the ſaid Company, without paying any Rates and Duties, as they did before the paſſing of this Act, and in the ſame Manner as if this Act had never been made.

Reſervation as to Sir *Charles Pitfield*'s Vault and Pew.

XXIX. Provided always, That this Act ſhall not extend to take away the Vault under the North and Eaſt Windows of the Chancel of the ſaid Church, built by Sir Charles Pitfield Knight, deceaſed, for the Interment of himſelf, Family, and Deſcendants, or the Pew in the ſaid Church belonging to the Deſcendants of the ſaid Sir Charles Pitfield but the ſame Vault, and the like Pew in the ſaid Church, when rebuilt, ſhall be preſerved, or provided for, and belong to, and uſed by, the Deſcendants of the ſaid Sir Charles Pitfield, in the ſame, or the like Manner, as the preſent Vault and Pew have been before the paſſing this Act.

Limitation of Actions.

XXX. And be it enacted by the Authority aforeſaid, That if any Suit or Action ſhall be commenced or proſecuted againſt any Perſon or Perſons for any thing done, or to be done, in purſuance of this Act, every ſuch Suit or Action ſhall be brought and tried in the County of Middleſex, and not elſewhere; and the Defendant or Defendants therein may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by Authority of this Act; and if it ſhall appear to be ſo done, that then the Jury ſhall find for the Defendant or Defendants, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall or may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts in any other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

XXXI. And it is hereby further enacted and declared, That this Act ſhall be deemed and taken to be a Publick Act, and all Judges, Juſtices, and other Perſons are to take Notice thereof as ſuch in all Courts and Places whatſoever.

CAP. XXVIII.

An Act to explain and make more effectual the ſeveral Acts made and paſſed for repairing the Highways leading to *Highgate Gatehouſe* and *Hampſtead*, in the County of *Middleſex*, ſo far as the ſame relate to the Statute Work to be done upon the ſaid Highways, or Compoſitions to be made in lieu of the ſame.

Preamble, reciting the Act 3 *Geo.* I. not printed.

WHEREAS by an Act of Parliament paſſed in the Third Year of the Reign of his late Majeſty King *George* the Firſt, For repairing the Highways from ſeveral Places therein mentioned, leading towards *Highgate Gatehouſe* and *Hampſtead*, in the County of *Middleſex*; it is among other Things provided, That all Perſons, who by law are chargeable towards the repairing and amending the ſaid Highways, ſhould remain chargeable, and do their reſpective Works on the ſaid Highways or Roads, as before they uſed, or ought to

to have done therein; and the ſaid Truſtees for putting the ſaid Act in Execution are by the ſaid Act impowered, from time to time during the Continuance thereof to compound or agree with any of the Pariſhes, to which the ſaid Roads or Highways do belong, for a certain Sum of Money, or otherwiſe by the Year, diſcretionally, in lieu of the Statute Work to be done by ſuch Pariſh or Pariſhes as aforeſaid: And whereas by another Act paſſed in the Eighth Year of the Reign of his ſaid late Majeſty King *George* the Firſt, to explain and amend the before mentioned Act, ſeveral other Roads leading into the Highways aforeſaid were directed to be repaired: And whereas by another Act paſſed in the Seventh Year of the Reign of His preſent Majeſty King *George* the Second, to continue, explain, and make more effectual the Two before mentioned Acts, it is (amongſt other things, for the more effectual performing the Proportion of Statute Work to be done upon the ſaid Roads by the Inhabitants of the reſpective Pariſhes through which the ſaid Roads do lead) enacted, That from and after the Twenty fourth Day of *June*, One thouſand ſeven hundred and thirty four, upon Application of the Truſtees, or any Five or more of them (impowered to put the ſaid former Acts and the laſt mentioned Act in execution) under their Hands and Seals, to the Juſtices of the Peace for the ſaid County of *Middleſex*, at their Petty or Special Seſſions, to be held for any of the Diviſions in which any of the ſaid Roads do lie, for the Inhabitants of the reſpective Pariſhes to do their Statute Work; it ſhall be lawful for the ſaid Juſtices, and they are by the ſaid laſt mentioned Act authorized and required, to ſummon the Surveyor or Surveyors of the Highways of and for the reſpective Pariſhes wherein any of the ſaid Roads do lie; and in caſe there ſhall be no Surveyor or Surveyors in ſuch Pariſhes, then to ſummon the Churchwardens or Overſeers thereof, to bring in Writing before ſuch Juſtices upon Oath within Fifteen Days after ſuch Summons a Liſt of the Names of the ſeveral Perſons, who within each Pariſh reſpectively are obliged by Law to do their Statute Work for that Year with Teams and Draughts or otherwiſe, as alſo the Number of Days Work which with ſuch Teams and Draughts or otherwiſe each Perſon ought to do on the reſpective Roads in their ſeveral Pariſhes reſpectively, out of which Liſt the ſaid Juſtices ſhall and may allot, appoint, and order ſuch and ſo many Perſons to do their Statute Work on the Roads directed to be repaired by the ſaid former Acts, as the ſaid Juſtices ſhall think fit; which ſaid Statute Work is by the ſaid Act directed to be done by ſuch Perſons, on ſuch ſeveral Days, and at ſuch Times, and in ſuch Part or Parts of the ſaid Roads as the ſaid Truſtees, or any Five or more of them, or their Surveyor or Surveyors, ſhall from time to time direct and appoint; and if any Perſon or Perſons ſhall neglect or refuſe to do ſuch Statute Work ſo allotted, appointed, and ordered to be done, every ſuch Perſon or Perſons for every Day he or they ſhall make Default ſhall forfeit and pay the Sum of Ten Shillings for each Team and Draught, and every Houſholder, or Perſon liable to do Statute Labour, making Default, ſhall forfeit and pay the Sum of One Shilling and Six Pence for ſuch Day's Default, which ſaid Forfeitures ſhall be recovered, levied, and diſpoſed of in ſuch Manner as in the ſaid Act is therein after mentioned and declared; and in caſe the ſaid Surveyors, Churchwardens, and Overſeers, or any of them, ſhall refuſe and neglect to give in ſuch Liſt of the Names as aforeſaid, to ſuch Juſtices, then each and every ſuch Surveyor and Surveyors, Churchwarden and Churchwardens, Overſeer and Overſeers of ſuch Pariſhes, ſo refuſing and neglecting, ſhall, for every Refuſal or Neglect (being thereof lawfully convicted upon Oath before any One or more Juſtice or Juſtices of the Peace for the ſaid County) forfeit and pay the Sum of Five Pounds, which ſaid Penalty is by the ſaid Act directed to be recovered, levied, and applied in ſuch Manner as is therein after mentioned and declared; and for the better Recovery of ſuch Sum and Sums of Money as the Inhabitants of any Pariſh or Pariſhes (through which any of the Roads intended to be amended do lead) hath, or have compounded for, or ſhall compound for, or agree to pay, in lieu of the Statute Work to be done by the Inhabitants of ſuch Pariſh or Pariſhes upon the ſaid Roads; it is by the ſaid Act, paſſed in the Seventh Year of the Reign of His preſent Majeſty, enacted, That in caſe ſuch Compoſition Money is not, or ſhall not, be paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they have appointed, or ſhall appoint, to receive the ſame, within Fifteen Days after the ſame ſhall be demanded, it ſhall and may be lawful to and for the ſaid Juſtices, or any one or more of them (upon Oath made before him or them of ſuch Default of Payment) to iſſue a Warrant under his Hand and Seal, or their Hands and Seals, impowering ſuch Perſon or Perſons to levy ſuch Compoſition Money by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons, as hath or have made or ſhall make ſuch Compoſition for any Pariſh or Pariſhes as aforeſaid, in ſuch Manner, and to apply the ſame as in and by the ſaid laſt mentioned Act is directed and declared: And by the ſaid Act it is alſo enacted, That all Penalties and Forfeitures by the ſaid former Acts, and the laſt mentioned Act impoſed or incurred, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels by Warrant or Warrants under the Hands and Seals of any Two or more of His Majeſty's Juſtices of the Peace of the County or Place wherein the Penalty or Forfeiture ſhall ariſe, or wherein Offenders ſhall reſide or be found, which Warrant or Warrants the ſaid Juſtices are by the ſaid laſt mentioned Act impowered and required to make upon the Information of one or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtices are by the ſaid laſt mentioned Act impowered and required to adminiſter, without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendring the Overplus (if any) to the Party or Parties whoſe Goods and Chattels ſhall be ſo diſtrained and ſold (the Charges of ſuch Diſtreſs and Sale being firſt deducted) ſhall go, and be applied and laid out (if not otherwiſe applied or diſpoſed of by the ſaid former Acts or the laſt mentioned Act) for and towards amending the ſaid Roads intended to be repaired and kept amended: And whereas the Proviſion made by the ſaid laſt in part recited Act, paſſed in the Seventh Year of His preſent Majeſty's Reign, for obliging the Inhabitants of the ſeveral Pariſhes to which the ſaid Roads directed to be repaired as aforeſaid do belong to perform their Statute Work upon the ſaid Roads, or to pay the Money they have already compounded for, or ſhall hereafter compound for, hath by Experience been found defective and inſufficient, the Surveyors of the Highways, Churchwardens, or Overſeers of the Poor of ſome of the Pariſhes, to which Part of the ſaid Roads directed to be repaired do belong, having neglected to give in ſuch Liſt as required by the ſaid laſt mentioned Act, and the Juſtices of the Peace at their Petty Seſſions (notwithſtanding proper Application has been made by the Truſtees for that Purpoſe) having neglected to allot the Statute Work to be done upon Part of the ſaid Roads within ſome of the Pariſhes; nor has any Compoſition been made or paid for the ſame; and the ſaid former Acts are likely to be eluded for the future, by the Inhabitants of the Pariſhes to which the Roads directed to be repaired, as aforeſaid, do belong, *&c.*

8 *Geo.* I. *c.* 5.

7 *Geo.* II. *c.* 26.

The Defects of the former Act.

CAP. XXIX.

An Act for the Application of the Rents and Profits of the Eſtates forfeited by the Attainders of *James* late Earl of *Derwentwater*, and *Charles Radcliffe*.

WHEREAS *James* late Earl of *Derwentwater* was, in the Year of our Lord One thouſand ſeven hundred and fifteen, attainted of High Treaſon, and executed for the ſame: And whereas *Charles Radcliffe* was alſo attainted of High Treaſon, in the Year of our Lord One thouſand ſeven hundred and ſixteen;

Preamble, reciting the Acts

1 Geo. I. c. 50. 9 Geo. I. c. 19. 5 Geo. II. c. 23.

teen: And whereas by virtue of an Act of Parliament made and paſſed in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for appointing Commiſſioners to enquire of the Eſtates of certain Traitors, and Popiſh Recuſants, and of Eſtates given to ſuperſtitious Uſes, in order to raiſe Money out of them ſeverally for the Uſe of the Publick*; and of one other Act made in the Ninth Year of His ſaid late Majeſty's Reign, intituled, *An Act to continue the Duties for Encouragement of the Coinage of Monies; and for Relief of* William *late Earl* Widdrington; *and to prevent foreign Lotteries being carried on in this Kingdom; and for aſcertaining the Duties on bound Books imported; and for iſſuing Certificates and Debentures for Arrears due to Five Regiments, to be ſatisfied by Annuities therein mentioned; and for diſcharging the Duties of Rock Salt loſt on the Rivers* Weaver *and* Mercy; *and for limiting the Times of Continuance of Commiſſioners for forfeited Eſtates in* England *and* Scotland *reſpectively; and for appropriating the Supplies granted to His Majeſty in this Seſſion of Parliament; and to rectify Miſnomers and Omiſſions of Commiſſioners for the Land Tax, in the Year One thouſand ſeven hundred and twenty three*; and of one other Act made in the Fifth Year of His preſent Majeſty's Reign, intituled, *An Act for making void the ſeveral Contracts, for Sale of the Eſtate of* James *late Earl of* Derwentwater, *to* William Smith *Eſquire, and alſo of the Annuity of Two hundred Pounds during the Life of* Charles Radcliffe, *and the Arrears thereof, to* Matthew White *Eſquire, and the ſeveral Conveyances made in purſuance of the ſame*; and of other Acts of Parliament made and paſſed in the Reign of His ſaid late Majeſty, the Barony, Manor, or Lordſhip of *Langley*, in the County of *Northumberland*, and divers other Manors, Lordſhips, Meſſuages, Lands, Tenements, Rents, and Hereditaments, belonging to him the ſaid *James* late Earl of *Derwentwater*, and the ſaid *Charles Radcliffe*, became veſted in His then Majeſty, and are now veſted in His preſent Majeſty for the Uſe of the Publick: And whereas by the ſaid Act of the Fifth Year of His preſent Majeſty's Reign, the ſeveral Contracts which had been made for the Sale of the ſaid Premiſſes to the ſaid *William Smith* and the ſaid *Matthew White* were ſet aſide, and made abſolutely void, and Power was thereby given to the Court of Exchequer to order the ſaid Premiſſes to be ſold again, ſubject to ſuch Claims and Demands as had been allowed by the Commiſſioners and Truſtees named in and according to an Act of the Fourth Year of His ſaid late Majeſty's Reign, for ſuch Eſtate and Intereſt as was veſted in His Majeſty by virtue of the ſaid ſeveral Attainders, and of the ſaid Act of the Ninth Year of His ſaid late Majeſty, and of the ſaid Act of the Fifth Year of His preſent Majeſty; and the Purchaſe Money was to be paid into the Receipt of His Majeſty's Exchequer, to be applied and diſpoſed of according to any Act or Acts of Parliament then after to be made for that Purpoſe; and till ſuch Sale, the Rents and Profits were to be applied and diſpoſed of according to any future Act or Acts of Parliament to be made for that Purpoſe:

The Sum now remaining in the Exchequer.

And whereas there now remains in the Receipt of His Majeſty's Exchequer the Sum of Seven thouſand one hundred eighty two Pounds, thirteen Shillings, which hath ariſen out of the Rents and Profits of the ſaid Premiſſes ſo veſted in His Majeſty as aforeſaid; and there are alſo ſeveral Sums of Money in the Hands of the Collectors and Receivers, and due and in Arrear from the Tenants and Farmers of the ſaid Premiſſes: And whereas the Annuity or Rent Charge, and alſo the ſeveral Mortgages and Incumbrances of and upon the ſaid Eſtate of the ſaid late Earl of *Derwentwater*, or ſome Part thereof (herein after particularly mentioned) have been regularly claimed and allowed according to the Direction of the ſaid Act of the Fourth Year of His ſaid late Majeſty's Reign; and there is now due, owing, iſſuing, and payable out of the ſaid Eſtate, or ſome Part thereof, to the ſeveral Perſons herein after named, the ſeveral Sums of Money and Annuity herein after

Claims allowed to be paid out of the Premiſſes.

mentioned; that is to ſay, To the Right Honourable *Robert James* Lord *Petre*, the Sum of Twenty thouſand Pounds principal Money, with the Intereſt thereof; to *Cuthbert Conſtable* alias *Tunſtall*, of *Burton Conſtable* in *Holderneſs* in the County of *York*, Eſquire, upon Mortgage, the Sum of Five thouſand nine hundred Pounds principal Money, beſides Intereſt; to *Mary Chamberlain* Spinſter, *Edward Hopkins* of the City of *Coventry*, Eſquire, and *Anna Maria* his Wife, *Richard Luther* Eſquire, and *Charlotte* his Wife, upon Mortgage, the Sum of Three thouſand Pounds principal Money, beſides Intereſt; to the Lady *Catharine Radcliffe*, ſecond Daughter of *Francis* late Earl of *Derwentwater*, one Annuity or yearly Rent Charge of One hundred Pounds, clear of all Taxes, for the Term of her natural Life, with the Arrears thereof; **To the End therefore that the ſaid Sums of Money, and all the Rents, Iſſues, and Profits of the Premiſſes, during the Continuance of His Majeſty's ſaid Eſtate and Intereſt therein for the Uſe of the Publick as aforeſaid, may ſubject to the Payments herein before and herein after mentioned be diſpoſed of and applied to the Uſe and Benefit of the Publick, and in Eaſe of His Majeſty's good Subjects; we your Majeſty's moſt dutiful and loyal Subjects, the Commons of** Great Britain **in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Sum of Seven thouſand one hundred eighty two Pounds, and thirteen Shillings, ſo ariſing and produced out of the Rents and Profits of the ſaid Premiſſes, and remaining in the Receipt of the Exchequer as aforeſaid, ſhall be iſſued, appropriated, and applied, in the firſt Place for the paying and clearing off all Intereſt and Arrears of the ſaid Annuity of One hundred Pounds a Year and Incumbrances herein before mentioned, to the Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty five; and after Payment thereof the Surplus and Reſidue of the ſaid Sum of Seven thouſand one hundred eighty two Pounds, and thirteen Shillings, ſhall (except as herein after is excepted) be appropriated and applied, and is hereby appropriated and applied, towards the building and finiſhing of the Royal Hoſpital for Seamen at** Greenwich.

7,182 l. 13 s. now in the Exchequer, after clearing the Incumbrances, appropriated to the finiſhing of *Greenwich* Hoſpital.

The Application of the Arrears.

II. **And it is hereby further enacted by the Authority aforeſaid, That all Sums of Money collected and received by the reſpective Receivers of the Rents and Profits of the ſaid Premiſſes ſo forfeited and veſted in His Majeſty as aforeſaid, which were not paid into the Receipt of the Exchequer on or before the Twenty fifth Day of** March, **in the Year of our Lord One thouſand ſeven hundred and thirty five, and all Arrears of Rents and Profits of the ſame Premiſſes due and owing from the ſeveral Farmers, Tenants, and Occupiers of any Part or Parts thereof at or on the ſaid Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty five, and all the Rents, Iſſues, and Profits of the ſaid Premiſſes which ſhall from and after the ſaid Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty five, grow, accrue, or become due and payable for and during his Majeſty's ſaid Eſtate and Intereſt in the ſaid Premiſſes (ſubject in the firſt Place to the Payment of the ſaid Annuity of One hundred Pounds a Year as the ſame ſhall grow due, and of all Principal and Intereſt due and to grow due upon the ſeveral Incumbrances herein before mentioned) ſhall be iſſued and applied, and are here-**

by appropriated and applied, to the Uſes and for the Purpoſes following; that is to ſay, In the firſt Place for and towards the finiſhing and compleating the Building of the ſaid Royal Hoſpital for Seamen at Greenwich, and after the Building of the ſame Royal Hoſpital ſhall be compleated and finiſhed, for and towards the Support of the ſaid Royal Hoſpital for the better Maintenance of the Seamen of the ſaid Hoſpital, worn out, and become decrepit, in the Service of their Country.

His Majeſty's Right to the Premiſſes not to be ſold. Exception.

III. And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Premiſſes ſo forfeited and veſted in His Majeſty as aforeſaid, ſhall not be ſold (except as herein after is excepted) but ſhall remain and continue veſted in His Majeſty, His Heirs, and Succeſſors (ſubject to, and charged, and chargeable with the ſaid Annuity of One hundred Pounds a Year, and Incumbrances aforeſaid) and the Payment thereof, in the firſt Place for ſuch Eſtate and Intereſt as aforeſaid, for the Purpoſes of this Act; any thing in the ſaid Act of the Fifth Year of the Reign of His preſent Majeſty contained to the contrary notwithſtanding.

His Majeſty may impower the Commiſſioners of the ſaid Hoſpital to appoint Stewards, &c.

IV. And to the End and Intent that all and every the Rents, Iſſues, and Profits of the ſaid Premiſſes, ſo forfeited and veſted in His Majeſty as aforeſaid, may be effectually levied, paid, and applied, for the Purpoſes of this Act; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for His Majeſty, His Heirs, and Succeſſors, by Sign Manual to authorize and impower the Commiſſioners or Governors of the ſaid Royal Hoſpital for the time being, or any Seven or more of them, to appoint Stewards, Receivers, or Bailiffs of the ſaid Premiſſes ſo forfeited and veſted in His Majeſty as aforeſaid, for and during the ſaid Eſtate and Intereſt of His Majeſty, His Heirs, and Succeſſors, in the ſame Premiſſes, and to inveſt them with full Power to receive the Rents, Iſſues, and Profits thereof, and to give Receipts, Diſcharges, and Acquittances, for the ſame, and to hold Courts, and to do and perform all Acts, Matters, and Things neceſſary for the managing the ſaid Premiſſes, uſually done and performed by Stewards, Receivers, and Bailiffs, and alſo to aſſign and allow ſuch Salaries and Rewards to the ſaid Stewards, Receivers, and Bailiffs, as the ſaid Commiſſioners or Governors of the ſaid Royal Hoſpital for the time being, or any Seven or more of them, ſhall think requiſite and neceſſary in that Behalf.

and to grant Leaſes.

V. And be it further enacted, That it ſhall and may be lawful to and for His Majeſty, His Heirs, and Succeſſors, from time to time, during the Continuance of the ſaid Eſtate and Intereſt of His Majeſty, His Heirs, and Succeſſors, in the ſaid Premiſſes, to authorize and impower the Commiſſioners and Governors of the ſaid Royal Hoſpital for the time being, to grant Leaſes of the Premiſſes ſo forfeited and veſted in His Majeſty as aforeſaid, or of any Part or Parts thereof, unto any Perſon or Perſons for any Term or Number of Years not exceeding Twenty one Years, to take effect in Poſſeſſion and not in Reverſion, ſo as there be reſerved to continue payable during the Terms in ſuch Leaſes to be granted the beſt and moſt improved yearly Rent and Rents that can be had or gotten for the ſame, without taking any Fine, Premium, or free Gift, and ſo as there be contained in all ſuch Leaſes a Condition of Re-entry for Non-payment of the Rent and Rents thereby reſpectively to be reſerved, and ſo as the reſpective Leſſees execute Counterparts of all ſuch Leaſes, and ſo as no Clauſe be contained in any of the ſaid Leaſes, giving Power to any Leſſee to commit Waſte, or exempting him, her, or them from Puniſhment for committing the ſame.

The Conditions of the Leaſes.

6 Months Notice to be given in the *Gazette* before granting Leaſes.

VI. And be it further enacted, That the ſaid Commiſſioners or Governors of the ſaid Royal Hoſpital ſhall give publick Notice in the London Gazette of the Time and Place when and where ſuch Eſtates are intended to be lett, Six Months at leaſt before the Expiration of the Term for which the ſaid Eſtates are now or ſhall be hereafter lett.

How Sales are to be made,

VII. And whereas it may be found neceſſary and expedient to ſell and diſpoſe of ſome Part or Parts of the ſaid Premiſſes to pay off and diſcharge the ſaid ſeveral Mortgages and Incumbrances herein before mentioned (except the ſaid Annuity of One hundred Pounds a Year) provided therefore, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Attorney General of His Majeſty, His Heirs, and Succeſſors, by his or their Direction, or for the ſaid ſeveral Mortgagees and Incumbrancers herein before named, their Executors, Adminiſtrators, or Aſſigns, or any of them, to apply to His Majeſty's Court of Exchequer at Weſtminſter by Motion in a ſummary Way for the Sale of the abſolute Fee-ſimple and Inheritance of ſuch Part or Parts of the ſaid Barony, Manors, Lordſhips, Meſſuages, Farms, Lands, Tenements, Tithes, and Hereditaments, charged with the ſaid reſpective Incumbrances, as ſhall be ſufficient for the Diſcharge thereof, to any Perſon or Perſons being Proteſtants, upon which Motion it ſhall and may be lawful to and for the ſaid Court of Exchequer to make ſuch Order or Orders, and give ſuch Directions for ſuch Sale or Sales, as the ſaid Court ſhall think proper, and for cauſing publick Notice to be given thereof, as is uſual in Caſes of Eſtates directed to be ſold by Decrees in Courts of Equity, and to make and give ſuch other Orders and Directions therein, as to that Court in their Diſcretion ſhall ſeem juſt; and the Money ariſing by ſuch Sale or Sales ſhall be applied by the Direction of the ſaid Court to the Diſcharge of the ſaid Incumbrances; and in caſe there ſhall happen to be any Surplus of the ſaid Purchaſe Money, the ſame ſhall be applied for the Benefit of the ſaid Hoſpital; and upon Payment and Application of ſuch Purchaſe Money as aforeſaid, one or more Grant or Grants, Aſſurance or Aſſurances of ſuch Parts and Parcels of the ſaid Eſtates as ſhall be ſo ſold and paid for as aforeſaid, ſhall be made and paſſed under the Great Seal of Great Britain to every ſuch Purchaſer or Purchaſers, his, her, or their Heirs and Aſſigns; and all and every Perſon and Perſons making any ſuch Purchaſe, and having any ſuch Grant or Grants, Aſſurance or Aſſurances, as aforeſaid, ſhall, from the Time of the making ſuch Grant or Grants, Aſſurance or Aſſurances, be, and are hereby adjudged to be, ſeized of and intitled to the abſolute Fee-ſimple, and in the actual Poſſeſſion, of ſuch Part and Parts of the ſaid Premiſſes as ſhall be ſo purchaſed and conveyed.

and Mortgagees to convey.

VIII. Provided always, and it is hereby further enacted and declared, That upon full Payment of the Principal, Interest, and Costs due and to grow due, upon the said several Mortgages or Securities herein before mentioned, the said Mortgagees, and Incumbrancers, and their Trustees, shall assign and convey their respective Securities on the Estates which shall be so sold to the respective Purchasers thereof, or to any Person or Persons to be named by such Purchasers respectively, at the Costs of such Purchaser, in such Manner, and by such Conveyances, as the said Court of Exchequer shall direct; and so much of the said Premisses included in such Mortgages and Incumbrances which shall remain unsold, shall, at the Costs of His Majesty, His Heirs, and Successors, be assigned and conveyed by such Mortgagees and Incumbrancers to His Majesty, His Heirs, and Successors, or to such other Person or Persons, as His Majesty, His Heirs, or Successors shall direct and appoint, subject nevertheless to the Directions herein contained for applying the Rents and Profits thereof as aforesaid.

The Commissioners may make Contracts for finishing the Hospital, and are to lay their annual Accounts before the King and Parliament.

IX. And be it further enacted by the Authority aforesaid, That the Commissioners or Governors of the said Royal Hospital shall and are hereby required to contract and agree with able and sufficient Tradesmen, Artificers, or other Persons, for finishing and compleating the said Royal Hospital in a workmanlike and substantial Manner on the easiest and most reasonable Terms, according to the Plan laid before the House of Commons in this Session of Parliament, and that they do lay their Proceedings herein with their annual Accounts before His Majesty and both Houses of Parliament respectively.

8 *Geo.* I. *c.* 24.

X. And whereas the Encouragement given by an Act made in the Eighth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the more effectual suppressing of Piracy*, to Seamen or Mariners on board any Merchant Ship or Vessel, extends only to such Seamen or Mariners as shall be maimed in Fight against any Pirate, be it enacted by the Authority aforesaid, That in case any Seaman

Seamen maimed in the Merchants Service, intitled to Relief in the said Hospital.

or Mariner on board any Merchant Ship or Vessel belonging to the Subjects of His Majesty, His Heirs, or Successors, shall be maimed in Fight against any Enemy whatsoever, of His Majesty, His Heirs, or Successors, every such Seaman or Mariner shall be admitted into and provided for in the said Royal Hospital in like Manner as any other Seaman or Mariner wounded or disabled in the Service of His Majesty, His Heirs, or Successors.

2000 *l.* to be paid to Lord *Gage* for his Service in recovering the Premisses.

XI. Provided always, and be it further enacted by the Authority aforesaid, That out of the Rents and Profits of the said Estate now remaining in the Receipt of His Majesty's Exchequer there shall and may be issued and paid to the Lord Viscount Gage in the Kingdom of Ireland, the Sum of Two thousand Pounds, without Account, and clear of all Fees and Deductions whatsoever, he having been at great Charges and Expences in recovering the said Estate for the Use of the Publick.

Saving Clauses.

XII. Saving always to the King's most Excellent Majesty, His Heirs, and Successors, all such Right, Title, Estate, Interest, Claim, and Demand of, in, unto, or out of the said Premisses, or any Part thereof, as His Majesty, His Heirs, or Successors might have had, or been intitled unto, in case this Act had never been made (other than, and except such Right, Title, Estate, Interest, Claim, and Demand, as was or is vested in His Majesty, His Heirs, and Successors, by virtue of the several Attainders herein before mentioned, or either of them, or of the said recited Acts of Parliament or any of them, and other than, and except such Right, Title, Estate, Interest, Claim, and Demand, which His Majesty, His Heirs, and Successors hath, or may have, in or to such Part or Parts of the said Premisses, which shall be sold pursuant to the Directions of this Act) any thing herein contained to the contrary in any wise notwithstanding.

XIII. Saving also to the several Mortgagees and Incumbrancers herein before named (till they shall be paid off as aforesaid) and to all and every other Person and Persons, Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators, and Assigns, all such Right, Title, Estate, Interest, Claim, and Demand, of, in, unto, or out of the said Premisses, or any Part thereof (except such Part or Parts of the said Premisses which shall be sold pursuant to the Directions of this Act) as they or any of them might have had, or been intitled unto, in case this Act had never been made; any thing herein contained to the contrary notwithstanding.

CAP. XXX.

An Act for regulating the Quartering of Soldiers during the Time of the Elections of Members to serve in Parliament.

Preamble.

WHEREAS by the ancient Common Law of this Land, all Elections ought to be free: And whereas by an Act passed in the Third Year of the Reign of King *Edward* the First, of Famous Memory, it is commanded, upon great Forfeiture, that no Man by Force of Arms, nor by Malice, or Menacing, shall disturb any to make free Election: And forasmuch as the Freedom of Elections of Members to serve in Parliament, is of the utmost Consequence to the Preservation of the Rights and Liberties of this Kingdom: And whereas it hath been the Usage and Practice to cause any Regiment, Troop, or Company, or any Number of Soldiers, which hath been quartered in any City, Borough, Town, or Place where any Election of Members to serve in Parliament hath been appointed to be made, to remove and continue out of the same during the Time of such Election, except in such particular Cases as are herein after specified: To the End therefore that the said Usage and Practice may be settled and established for the future, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and

On Notice of Election of a Member, the Secretary at War, or Person acting as such,

by Authority of the same, That when and as often as any Election of any Peer or Peers to represent the Peers of Scotland in Parliament, or of any Member or Members to serve in Parliament, shall be appointed to be made, the Secretary at War for the time being, or in case there shall be no Secretary at War then such Person who shall officiate in the Place of the Secretary at War, shall and is hereby required at some convenient Time before the Day appointed for such Election, to issue and send forth proper Orders in Writing for the Removal of every such Regiment, Troop, or Company, or other Number of Soldiers,

diers, as shall be quartered or billeted in any such City, Borough, Town, or Place, where such Election shall be appointed to be made, out of every such City, Borough, Town, or Place, One Day at the least before the Day appointed for such Election, to the Distance of Two or more Miles from such City, Borough, Town, or Place, and not to make any nearer Approach to such City, Borough, Town, or Place, as aforesaid, until One Day at the least after the Poll to be taken at such Election shall be ended, and the Poll Books closed.

to send proper Orders in Writing for removing Soldiers 2 Miles from the Place of Election,

II. And be it further enacted by the Authority aforesaid, That in case the Secretary at War for the time being, or such Person who shall officiate in the Place of the Secretary at War, shall neglect or omit to issue or send forth such Orders as aforesaid according to the true Intent and Meaning of this Act, and shall be thereof lawfully convicted upon any Indictment to be preferred at the next Assizes, or Sessions of Oyer and Terminer, to be held for the County where such Offence shall be committed, or on an Information to be exhibited in the Court of King's Bench within Six Months after such Offence committed, such Secretary at War, or Person who shall officiate in the Place of the Secretary at War, shall for such Offence be discharged from their said respective Offices, and shall from thenceforth be utterly disabled, and made incapable to hold any Office or Employment, civil or military, in his Majesty's Service.

on Penalty of forfeiting his Office, &c.

III. Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to the City and Liberty of Westminster, or the Borough of Southwark, for and in respect of the Guards of His Majesty, His Heirs, or Successors, nor to any City, Borough, Town, or Place, where His Majesty, His Heirs, or Successors, or any of His Royal Family shall happen to be or reside at the Time of any such Election as aforesaid, for or in respect of such Number of Troops or Soldiers only as shall be attendant as Guards to His Majesty, His Heirs, or Successors, or to such other Person of the Royal Family as is aforesaid; nor to any Castle, Fort, or fortified Place, where any Garison is usually kept, for or in respect of such Number of Troops or Soldiers only whereof such Garison is composed.

Not to extend to *Westminster*, or other Place of Residence of the Royal Family, &c.

or fortified Places;

IV. Provided likewise, That nothing in this Act contained shall extend, or be construed to extend, to any Officer or Soldier who shall have a Right to vote at any such Election, as aforesaid, but that every such Officer and Soldier may freely, and without Interruption, attend and give his Vote at such Election; any thing herein before contained to the contrary thereof notwithstanding.

or any officer having a Right to vote at such Election.

V. Provided always, That the Secretary at War, or in case there shall be no Secretary at War then such Person who shall officiate in the Place of the Secretary at War, shall not be liable to any Forfeiture or Incapacity for not sending such Order, as aforesaid, upon any Election to be made of a Member to serve in Parliament on a Vacancy of any Seat there, unless Notice of the making out any new Writ for such Election shall be given to him by the Clerk of the Crown in Chancery or other Officer making out any new Writ for such Election, which Notice he is hereby directed and required to give with all convenient Speed after making out the said Writ.

The Secretary at War, &c. not liable to the Forfeiture,

unless Notice of the Writ be given by the Clerk of the Crown.

Anno nono GEORGII II. Regis.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued by several Prorogations to the Fifteenth Day of *January*, 1735, being the Second Session of this present Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty six.

CAP. II.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[*To the same effect as* 8 Geo. II. cap. 2.]

CAP. III.

An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and thirty six.

[*At* 2 s. *in the pound, with a Clause of Loan at* 3 per cent.]

CAP. IV.

An Act to amend an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act to preserve and encourage the Woollen and Silk Manufactures of this Kingdom, and for more effectual employing the Poor, by prohibiting the Use and Wear of all printed, painted, stained, or dyed Callicoes, in Apparel, Houshold Stuff, Furniture, or otherwise, after the Twenty fifth Day of* December, *One thousand seven hundred and twenty two (except as is therein excepted)* so far as relates to Goods made of Linen Yarn, and Cotton Wooll, manufactured in *Great Britain*.

Preamble, reciting the Act 7 Geo. I. cap. 7.

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act to preserve and encourage the Woollen and Silk Manufactures of this Kingdom, and for more effectual employing the Poor, by prohibiting the Use and Wear of all printed, painted, stained, or dyed Callicoes, in Apparel, Houshold Stuff, Furniture, or otherwise, after the Twenty fifth Day of* December, *One thousand seven hundred and twenty two (except as is therein excepted)*

it is enacted, That the Prohibition of Callicoes intended by the ſaid Act, and the Penalties thereby inflicted, for wearing or uſing printed, painted, ſtained, or dyed Callicoes, in Apparel, Houſhold Stuff, or Furniture, after the Twenty fifth Day of *December*, One thouſand ſeven hundred and twenty two, contrary to the ſaid Act, ſhould reſpectively extend to prohibit, and ſhould be levied and recovered for, wearing or uſing in Apparel, Houſhold Stuff, or Furniture, after the ſaid Twenty fifth Day of *December*, One thouſand ſeven hundred and twenty two, any Stuff made of Cotton, or mixed therewith, which ſhould be printed or painted with any Colour or Colours, or any Callicoe chequered or ſtriped, or any Callicoe ſtitched or flowered in foreign Parts with any Colour or Colours, or with coloured Flowers made there (Muſlins, Neckcloths, and Fuſtians excepted) in ſuch Manner as the Penalties inflicted by the ſaid Act, for wearing or uſing printed, painted, ſtained, or dyed Callicoes, in Apparel, Houſhold Stuff, or Furniture, after the ſaid Twenty fifth Day of *December*, One thouſand ſeven hundred and twenty two, contrary to the ſaid Act, are to be levied or recovered, but under ſuch Limitations, and with ſuch Liberties, Privileges, and Advantages, as are mentioned and expreſſed in the ſaid Act, or in any other Act or Acts of Parliament then in Force relating thereto, or relating to printed, painted, ſtained, or dyed Callicoes: And whereas great Quantities of Stuffs made of Linen Yarn and Cotton Wooll have for ſeveral Years paſt been manufactured, and have been printed and painted, within this Kingdom of *Great Britain*, and the ſaid Manufactures ſo printed or painted are a Branch of the ancient Fuſtian Manufacture of this Kingdom, and have been and are now uſed and worn in Apparel and Furniture: And whereas ſome Doubt hath lately ariſen, whether the Uſe and Wearing of the ſaid Stuffs, when the ſame are ſo printed or painted, be prohibited by the ſaid recited Act, whereby the ſaid Manufacture is diſcouraged, and may be utterly loſt, and great Numbers of His Majeſty's Subjects and their Families, whoſe Livelihoods intirely depend thereupon, may be ruined, and the Poor greatly increaſed, if not timely prevented: **for Remedy whereof be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That nothing in the ſaid recited Act ſhall extend or be conſtrued to prohibit the wearing or uſing in Apparel, Houſhold Stuff, Furniture, or otherwiſe, any Sort of Stuff made of Linen Yarn and Cotton Wooll manufactured and printed or painted with any Colour or Colours within the Kingdom of** Great Britain, **provided that the Warp thereof be intirely Linen Yarn; and that no Perſon ſhall incur, or ſhall be deemed, or judged, or taken to incur, any Penalty or Forfeiture whatſoever for wearing or uſing ſuch Manufacture ſo printed or painted, as aforeſaid; any thing in the ſaid Act to the contrary thereof in any wiſe notwithſtanding.**

Stuff made of Linen Yarn, and Cotton Wooll, manufactured in *Great Britain*, if the Warp be intirely Linen, may be worn, notwithſtanding the ſaid Act.

No Penalty for ſuch wearing to be recovered, unleſs where Judgement hath been already obtained.

II. **And be it further enacted by the Authority aforeſaid, That none of the Penalties in the ſaid former Act, which may have been incurred for the wearing or uſing any Sort of Stuff made of Linen Yarn and Cotton Wooll manufactured and printed or painted within this Kingdom, as aforeſaid, ſhall be recovered, or levied, unleſs ſome Proſecution for the ſame hath been already commenced, and Judgement obtained thereupon; any thing in the ſaid former Act contained to the contrary in any wiſe notwithſtanding.**

CAP. V.

An Act to repeal the Statute made in the Firſt Year of the Reign of King *James* the Firſt, intituled, *An Act againſt Conjuration, Witchcraft, and dealing with evil and wicked Spirits*, except ſo much thereof as repeals an Act of the Fifth Year of the Reign of Queen *Elizabeth*, *Againſt Conjurations, Inchantments, and Witchcrafts*, and to repeal an Act paſſed in the Parliament of *Scotland* in the Ninth Parliament of Queen *Mary*, intituled, *Anentis Witchcrafts*, and for puniſhing ſuch Perſons as pretend to exerciſe or uſe any kind of Witchcraft, Sorcery, Inchantment, or Conjuration.

1 *James* I. *cap.* 12. repealed,

except a Clauſe repealing 5 *Eliz. cap.* 16.

BE it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Statute made in the Firſt Year of the Reign of King James **the Firſt, intituled,** An Act againſt Conjuration, Witchcraft, and dealing with evil and wicked Spirits, **ſhall, from the Twenty fourth Day of** June **next, be repealed and utterly void and of none effect (except ſo much thereof as repeals the Statute made in the Fifth Year of the Reign of Queen** Elizabeth) **intituled,** An Act againſt Conjurations, Inchantments, and Witchcrafts.

The Act in *Scotland* 9 *Mariæ* alſo repealed.

II. **And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **the Act paſſed in the Parliament of** Scotland **in the Ninth Parliament of Queen** Mary, **intituled,** Anentis Witchcrafts, **ſhall be, and is hereby repealed.**

After 24 *June*, 1736, no Perſon to be proſecuted for Witchcraft, *&c.*

III. **And be it further enacted, That from and after the ſaid Twenty Fourth Day of** June, **no Proſecution, Suit, or Proceeding, ſhall be commenced or carried on againſt any Perſon or Perſons for Witchcraft, Sorcery, Inchantment, or Conjuration, or for charging another with any ſuch Offence, in any Court whatſoever in** Great Britain.

Perſons pretending to exerciſe Witchcraft, tell Fortunes, or by crafty Science to diſcover ſtolen Goods,

to be impriſoned for a Year,

be pillory'd,

and bound to good Behaviour.

IV. **And for the more effectual preventing and puniſhing of any Pretences to ſuch Arts or Powers as are before mentioned, whereby ignorant Perſons are frequently deluded and defrauded; be it further enacted by the Authority aforeſaid, That if any Perſon ſhall, from and after the ſaid Twenty fourth Day of** June, **pretend to exerciſe or uſe any kind of Witchcraft, Sorcery, Inchantment, or Conjuration, or undertake to tell Fortunes, or pretend from his or her Skill or Knowledge in any occult or crafty Science to diſcover where or in what Manner any Goods or Chattels, ſuppoſed to have been ſtolen or loſt, may be found; every Perſon, ſo offending, being thereof lawfully convicted on Indictment or Information in that Part of** Great Britain **called** England, **or on Indictment or Libel in that Part of** Great Britain **called** Scotland, **ſhall, for every ſuch Offence ſuffer Impriſonment by the Space of one whole Year without Bail or Mainprize, and once in every Quarter of the ſaid Year in ſome Market Town of the proper County upon the Market Day there ſtand openly on the Pillory by the Space of One Hour, and alſo ſhall (if the Court by which ſuch Judgement ſhall be given ſhall think fit) be obliged to give Sureties for his or her good Behaviour, in ſuch Sum, and for ſuch Time, as the ſaid Court ſhall judge proper according to the Circumſtances of the Offence, and in ſuch caſe ſhall be further impriſoned until ſuch Sureties be given.**

CAP. VI.

CAP. VI.

An Act to indemnify Perſons who have omitted to read the Prayers, and make and ſubſcribe the Declarations directed to be read, made, and ſubſcribed by the Act of Uniformity of the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, within the Time limited by Law, and for allowing further Time for doing thereof.

Preamble, reciting the Uniformity Act. 13 & 14 *Car.* II. *cap.* 4.

WHEREAS by an Act of Parliament made in the Thirteenth and Fourteenth Years of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for the Uniformity of publick Prayers, and Adminiſtration of Sacraments, and other Rites and Ceremonies, and for eſtabliſhing the Form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons in the Church of* England, it was, among other things, enacted, That every Perſon who ſhould thereafter be preſented, or collated, or put into any Eccleſiaſtical Benefice or Promotion, within the Realm of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, ſhould, in the Church, Chapel, or Place of publick Worſhip, belonging to his ſaid Benefice or Promotion, within Two Months next after that he ſhould be in the actual Poſſeſſion of the ſaid Eccleſiaſtical Benefice or Promotion, upon ſome Lord's Day, openly, publickly, and ſolemnly read the Morning and Evening Prayer appointed to be read by, and according to, the Book of Common Prayer therein before mentioned, at the Times thereby appointed, or to be appointed, and after ſuch Reading thereof, ſhould openly and publickly, before the Congregation there aſſembled, declare his unfeigned Aſſent and Conſent to the Uſe of all Things therein contained and preſcribed, according to the Form therein before appointed; and that all and every ſuch Perſons who ſhould (without ſome lawful Impediment to be allowed and approved of by the Ordinary of the Place) neglect or refuſe to do the ſame within the time aforeſaid, or in caſe of ſuch Impediment within One Month after ſuch Impediment removed, ſhould *ipſo facto* be deprived of all his ſaid Eccleſiaſtical Benefices and Promotions; and that from thenceforth it ſhould be lawful for all Patrons of all and ſingular the ſaid Eccleſiaſtical Benefices and Promotions, or any of them, according to their reſpective Rights and Titles, to preſent or collate to the ſame, as though the Perſon or Perſons ſo offending or neglecting were dead; and alſo that every Dean, Canon, and Prebendary of every Cathedral or Collegiate Church, and all Maſters, or other Heads, Fellows, Chaplains, and Tutors, of or in any College, Hall, Houſe of Learning, or Hoſpital, and every Publick Profeſſor and Reader in either of the Univerſities, and in every College elſewhere; and every Parſon, Vicar, Curate, Lecturer, and every other Perſon in Holy Orders, and every Schoolmaſter keeping any publick or private School, and every Perſon inſtructing or teaching any Youth in any Houſe or private Family as a Tutor or Schoolmaſter, who upon the Firſt Day of *May*, which ſhould be in the Year of our Lord One thouſand ſix hundred and ſixty two, or at any time thereafter ſhould be Incumbent or have Poſſeſſion of any Deanery, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſor's Place, or Reader's Place, Parſonage, Vicarage, or any other Eccleſiaſtical Dignity or Promotion, or of any Curate's Place, Lecture, or School, or ſhould inſtruct or teach any Youth as Tutor or Schoolmaſter, ſhould, before the Feaſt Day of Saint *Bartholomew*, which ſhould be in the Year of our Lord One thouſand ſix hundred ſixty two, or at or before his or their reſpective Admiſſion to be Incumbent or have Poſſeſſion, ſubſcribe a Declaration or Acknowledgment, wherein, among other Words, which, by an Act of Parliament made in the Firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, are directed from thenceforth not to be enjoined or required, are contained the Words following; that is to ſay, *I* A. B. *do declare that I will conform to the Liturgy of the Church of* England *as it is now by Law eſtabliſhed.* Upon Pain that all and every the Perſons laſt mentioned, failing in ſuch Subſcription, ſhould loſe and forfeit ſuch reſpective Deanery, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſor's Place, Reader's Place, Eccleſiaſtical Dignity or Promotion, Curate's Place, Lecture, and School: And whereas ſeveral Perſons have through Inadvertency either wholly omitted to read the ſaid Prayers, and to make and ſubſcribe the ſaid ſeveral Declarations, or one of them, or have not done it within the Time and in the Manner by Law required, and have thereby incurred the Forfeitures in ſuch Caſe inflicted by the ſaid recited Act of the Thirteenth and Fourteenth Years of King *Charles* the Second; and the Validity of Leaſes made, and other Acts done by them ſince ſuch Forfeitures incurred, may by reaſon thereof be controverted and avoided, *&c.*

Farther time is given for this purpoſe by 11 Geo. II. cap. 31.

CAP. VII.

An Act to explain and amend an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing and enlarging the Road leading from the Houſe called* The Sign of the Bells, *in the Pariſh of St.* Margaret *in* Rocheſter *to* Maidſtone, *and other Roads therein mentioned in the County of* Kent.

Preamble, reciting the Act 1 *Geor.* II. *c.* 12.

WHEREAS by a Clauſe or Proviſo in an Act of Parliament paſſed in the Firſt Year of the Reign of His preſent Majeſty King *George* the Second, intituled, *An Act for repairing and enlarging the Road leading from the Houſe called* The Sign of the Bells, *in the Pariſh of Saint* Margaret *in* Rocheſter *to* Maidſtone, *and other Roads therein mentioned in the County of* Kent, ſeveral Perſons, Carriages, Matters, and Things are exempted and diſcharged from the Payment of the ſeveral Tolls and Duties to be taken at the ſeveral Gates and Turnpikes to be erected by Virtue of the ſaid Act: And whereas ſeveral Doubts and Diſputes have ariſen upon Conſtruction of the ſaid Clauſe, in relation to the demanding and taking of Toll for Carriages carrying Hay, green Hop-poles, and other Things, through the ſaid Gates erected by virtue of the ſaid Act, which Diſputes have been the Occaſion of great Expences by Trials at Law and otherwiſe in relation to the ſame, as alſo a great Diminution of the Income ariſing by the Toll granted and made payable by the ſaid Act, and a great Hindrance to the repairing of the ſaid Roads according to the true Intent and Meaning of the ſaid Act, *&c.*

CAP. VIII.

An Act for the better regulating the Nightly Watch and Bedels within the Pariſh of Saint *Martin in the Fields*, within the Liberties of the City of *Weſtminſter*.

Preamble.

WHEREAS the keeping a ſufficient and well regulated Watch in the Night time within the great and populous Pariſh of Saint *Martin in the Fields*, within the Liberties of the City of *Weſtminſter*, is of great Importance for the Preſervation of the Perſons and Properties of the Inhabitants thereof, and very neceſſary to prevent, as well the Miſchiefs which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Diſorders: And whereas by the Laws now in being no effectual Proviſion is made for the eſtabliſhing

eſtabliſhing, ordering, or well governing of ſuch a Nightly Watch, or for levying and collecting any Sums of Money for defraying the neceſſary Charges thereof, or for enforcing a due Application and juſt Account of any Money ſo levied and collected for that Purpoſe: And whereas it hath been found by Experience, that the Bedels employed within the ſaid Pariſh, for want of a proper Regulation and Government of them, have been of great Charge and little Uſe to the ſaid Pariſh, and the Methods hitherto practiſed of raiſing Monies for maintaining and paying the ſaid Bedels have been alſo precarious and unwarrantable; for Remedy of the aforeſaid Inconveniencies, may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Third Day of May, and third Day of November, One thouſand ſeven hundred and thirty ſix, and ſo in every Year enſuing, unleſs thoſe Days ſhall be Sundays and then upon the next Days, the Veſtry of the ſaid Pariſh of Saint Martin in the Fields ſhall meet and be held in the common Veſtry Room of the ſaid Pariſh, and then and there ſhall appoint what Number of Watchmen they ſhall judge neceſſary and proper to be kept in the ſaid Pariſh and the ſeveral Wards thereof for the Year then next to come, and ſhall nominate and appoint, as well ſuch honeſt and able bodied Men to be employed in that Service as they ſhall think beſt qualified for the ſame, as alſo a ſufficient Number of Bedels proportionable to the Extent of the ſaid Pariſh, not exceeding One Bedel for each Ward of the ſame; and ſhall then and there direct and ſet down in Writing, at what Stands it is fit for the ſaid Watchmen to be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances are to be given to the ſaid Watchmen and Bedels for their Attendance, and all ſuch other Orders and Regulations as the Nature of each particular Service ſhall ſeem to them to require; and if any of the ſaid Watchmen or Bedels ſo by them appointed ſhall die within the Year, or ſhall be negligent in his or their Duty, or guilty of any Miſbehaviour, or if it ſhall be found neceſſary to repeal, amend, or alter any of the ſaid Nominations, Appointments, Orders, and Regulations, it ſhall and may be lawful for the Veſtry of the ſaid Pariſh, being convened by due and legal Notice at any intermediate times in the Year, to nominate and appoint One or more Perſon or Perſons fitly qualified, in the Room and Stead of him or them ſo dying, or guilty of Miſbehaviour, as aforeſaid; and alſo to make ſuch other Nominations and Appointments, and ſuch further Orders and Regulations for the better Government and Direction of the ſaid Watchmen and Bedels as they ſhall think proper, and to do all ſuch other Acts and Things as ſhall be neceſſary for the due Execution of this Act.

Veſtry to meet on 3 *May*, and 3 *Nov.* yearly, and appoint the Number of Watchmen,

and Bedels,

and ſet down in Writing the the Orders agreed on for regulating the Watch,

Vacancies how to be filled up.

Tranſcripts of the Regulations, *&c.* ſigned by the Veſtry Clerk, to be delivered to each Conſtable.

II. And be it further enacted by the Authority aforeſaid, That a true Copy or Tranſcript of all ſuch Nominations, Appointments, Orders, and Regulations, as ſhall be ſo made from time to time as aforeſaid, for the better Direction and Government of the Watchmen ſo to be appointed, ſhall be fairly written and ſigned by the Veſtry Clerk of the ſaid Pariſh, and ſhall be delivered to the Conſtables for the time being of the ſaid Pariſh, and to every of them; and that from and after the ſaid Third Day of May, One thouſand ſeven hundred and thirty ſix, and ſo yearly and every Year, one of the ſaid Conſtables for the time being of the ſaid Pariſh ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Pariſh from the Hours of Nine in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the Thirtieth Day of March; and from the ſaid Thirtieth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five of the Clock the next Morning; and ſhall in their ſeveral Turns or Courſes of Watching uſe their beſt Endeavours to prevent as well all Miſchefs happening by Fire, as all Murders, Burglaries, Robberies, and other Outrages and Diſorders; and to that End ſhall arreſt and apprehend all Night-walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering or misbehaving themſelves, and ſhall carry the Perſons who ſhall be ſo apprehended, as ſoon as conveniently may be, to one or more Juſtice or Juſtices of the Peace of the City and Liberties of Weſtminſter, to be examined and dealt with according to Law; and ſhall twice or oftner at convenient Times in every Night go about the ſaid Pariſh, and take Notice whether all the Watchmen perform their Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall have been made for that purpoſe by the Veſtry of the ſaid Pariſh; and in caſe any ſuch Watchman ſhall misbehave himſelf, or neglect his Duty, the ſaid Conſtable ſhall as ſoon as conveniently may be give Notice thereof to One of the Churchwardens for the time being of the ſaid Pariſh, to the End a Veſtry may be forthwith ſummoned for the Examination and Puniſhment of ſuch Offence.

Times of Watching.

The Duty of the Conſtables and Watchmen.

The Watchmen in the Abſence of the Conſtable, may apprehend Night-walkers, *&c.*

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Watchmen or any of them (in the Abſence of the Conſtable) and they are alſo hereby authorized and required in their ſeveral Stations, during the Time of their keeping Watch and Ward as aforeſaid, to apprehend all Nightwalkers, Malefactors, Rogues, Vagabonds, and other diſorderly Perſons, whom they ſhall find diſturbing the publick Peace, or ſhall have juſt Cauſe to ſuſpect to have any evil Deſigns, and to deliver the Perſon or Perſons ſo apprehended as ſoon as conveniently may be to the Conſtable of the Night, who is hereby required to carry him, her, or them, before one or more Juſtice or Juſtices of the Peace of the ſaid City and Liberties, to be examined and dealt with according to Law.

The Charges to be paid, by an half yearly Aſſeſſment,

IV. And for the better raiſing and levying of Monies for paying the Wages of the ſaid Watchmen and Bedels, and other Charges incident thereunto, and for defraying the neceſſary Charges and Expences of paſſing this Act; be it further enacted by the Authority aforeſaid, That within Ten Days after the ſaid Watchmen and Bedels ſhall be nominated and appointed as aforeſaid, the ſaid Veſtry (being convened by due and legal Notice) ſhall and they are hereby authorized and impowered to make an equal half-yearly Rate or Aſſeſſment according to a Pound Rate, upon all and every Perſon or Perſons who do or ſhall inhabit, hold, or enjoy any Houſe, Shop, Warehouſe, or other Building within the ſaid Pariſh, for and towards the raiſing the full Sum of Money by them judged neceſſary to be charged upon the ſaid Pariſh; which ſaid Rate or Aſſeſſment ſo to be made,

made, being first allowed and confirmed by Two or more Justices of the Peace of the said City of Westminster and the Liberties thereof, and all Arrears due upon the same, shall be collected quarterly from the said Inhabitants and Occupiers of each respective House, Shop, Warehouse, or other Building within the said Parish, by such Person or Persons as shall be appointed by the said Vestry to collect and receive the same. And in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them respectively, it shall and may be lawful to and for such Collector or Collectors, by Warrant under the Hands and Seals of Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendring to him, her, or them the Overplus, if any be, the reasonable Charge of making such Distress and Sale being first deducted; and for want of such Distress, by like Warrant, to commit the Party so neglecting or refusing (not being a Peer or Peeress of this Realm) to the common Gaol, until Payment thereof. and may be levied by Distress.

V. Provided always, and be it enacted, That every Rate, Tax, or Assessment, which shall be made or imposed by virtue of this Act, for or in respect of any House or Tenement, which any Ambassador, Resident, Agent, or other publick Minister of any foreign Prince or State now doth or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of the said Houses or Tenements respectively. The Assessment on Ambassador's, &c. Houses to be paid by the Landlords.

VI. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon an Appeal to the next General Quarter Sessions of the Peace to be held for the said City and Liberties of Westminster, it shall and may be lawful for the Justices of the Peace, or the greater Number of them then assembled, to make such Order therein as to them shall seem meet; which said Order shall be final, and conclude all Parties. Persons aggrieved may appeal to the next General Quarter Sessions, whose Order to be final.

VII. Provided also, and be it enacted, That no such Assessment or Assessments to be made in any one Year shall exceed the Rate of Four Pence in the Pound of the yearly Value of any Houses, Shops, Warehouses, or other Buildings so assessed and charged by virtue of this Act. The Assessment not to exceed 4 *d.* *per* Pound.

VIII. Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons, who shall be charged in, or pay to any Rate or Assessment to be made by Virtue or in Pursuance of this Act, or being chosen a Bedel or Watchman, shall be deemed or construed thereby to gain any Settlement in the said Parish. And that no Person being a menial or hired Servant shall be capable of being chosen a Bedel or Watchman during the Time of his being such Servant. No Person paying the said Assessment, or chosen a Bedel or Watchman, to gain thereby a Settlement in the Parish. No hired Servant capable of being chosen a Bedel or Watchman.

IX. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall be appointed by the said Vestry to collect and receive the Monies due upon the said Assessment within the said Parish, or the several Wards thereof, shall from time to time pay over the Monies arising from the same to such Person or Persons as the said Vestry shall appoint, and shall upon the Twenty sixth Day of July, One thousand seven hundred and thirty seven, and so yearly, unless the same shall be Sunday and then upon the Twenty seventh Day of July, or oftner if required, make and yield up to the said Vestry a true and perfect Account of all Sums of Money by them received and paid, and also pay and deliver into the Hands of such other Persons whom the said Vestry shall appoint to receive the same, all such Sums of Money as shall remain in his or their Hands; which said Sums so remaining in his or their Hands, and all Monies whatsoever by them collected or received by virtue of this Act, it is hereby declared, shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise. And if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful, upon Complaint and Proof thereof made to Two or more Justices of the Peace of the said City and Liberties, and by Warrant under their Hands and Seals, to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid so much as upon the said Account shall be remaining in his or their Hands. Collectors of the Assessment to account to the Vestry on 26 *July*, yearly, or oftner, if required, on Pain of Imprisonment.

X. Provided also, and be it further enacted, That in case there shall be any Deficiency in any One Year's Rate or Assessment so to be made as aforesaid, either by Houses, Shops, Warehouses, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates and Assessments are respectively charged, so that the Wages or Allowances to Watchmen and Bedels, and other incident Charges, cannot be fully satisfied, paid, and discharged in that Year; then, and in any such Case, the Deficiency so happening in the said Parish shall be carried to the next succeeding Year's Rate, and shall be made good thereout; and if there shall happen to be any Surplus Money collected by such Rates and Assessments as aforesaid in the said Parish in any One Year, such Surplus shall be carried on to the next Year's Credit of such Rate, and shall be applied for such Uses and in such Manner as the Rates and Assessments therein collected are by this Act directed to be laid out and applied. Deficient or Surplus Monies to be carried over to the next Year's Rate.

XI. And be it further enacted by the Authority aforesaid, That an Account of the Total Sums assessed, collected, and received within the said Parish, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the Twentieth Day of August, One thousand seven hundred and thirty seven, and so yearly, shall be examined, adjusted, and signed at a Meeting of the Vestry duly assembled within the said Parish; which said Book and Account shall be lodged in the Hands of the Vestry Clerk, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of the said Parish, who shall desire the same, without Fee or Reward. Yearly Accounts of Receipts, and Disbursements to be adjusted and signed at a Vestry by 20 *Aug.* and lodged with the Vestry Clerk.

XII. Provided, and it is hereby enacted and declared, That no Person or Persons, who shall be rated and pay to any Rate or Rates to be made in pursuance of this Act, shall be liable Persons paying the said Rates

discharged from Watch or Ward appointed by the Statute of *Winchester*.

liable to any Watch or Ward by virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King *Edward* the First, or any other subsequent Statute relating thereto, but shall be and are hereby discharged of and from the same.

Limitation of Actions.

XIII. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in Pursuance, and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, than then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

XIV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges and Justices, and other Persons whatsoever, without specially pleading the same.

CAP. IX.

An Act for enlarging the Term and Powers granted by an Act passed in the Eleventh Year of his late Majesty King *George* the First, intituled, *An Act for repairing and amending the Road from* Biggleswade *in the County of* Bedford *to* Bugden, *and through* Alconberry *to the Top of* Alconberry Hill *or Cross Post leading into* Sautery Lane *on the* York *and* Edinburgh *Road, and from the said Town of* Bugden *to the Town of* Huntingdon, *and from* Cross Hall *in* Eaton Soken *in the said County of* Bedford, *to* Great Stoughton Common *in the said County of* Huntingdon.

Preamble, reciting the Act 11 *Geo.* I. *c.* 20.

WHEREAS by an Act passed in the Eleventh Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing and amending the Road from* Biggleswade *in the County of* Bedford *to* Bugden, *and through* Alconberry *to the Top of* Alconberry Hill *or Cross Post leading into* Sautery Lane *on the* York *and* Edinburgh *Road, and from the said Town of* Bugden *to the Town of* Huntingdon, *and from* Cross Hall *in* Eaton Soken *in the said County of* Bedford *to* Great Stoughton Common *in the said County of* Huntingdon, several Tolls and Duties were granted and made payable, and divers Powers and Authorities given for repairing the said Highways, and for putting the said Act in Execution; which said Act was to have Continuance for and during the Term of One and twenty Years, to be computed from the First Day of *May*, One thousand seven hundred and twenty five: And whereas the Trustees appointed to put the said Act in Execution have, in pursuance of the Powers thereby to them given, borrowed Fifteen hundred and sixty Pounds upon the Credit of the said Act, and have applied the same, together with the Tolls collected and received in amending the said Roads, according to the Directions of the said Act, and also have contracted several Debts, to the amount of Three hundred and five Pounds, or thereabouts, for Work done upon, and Materials made use of in amending the said Roads; and great Progress hath been made in amending the said Highways; but the same cannot be effectually repaired and kept amended, and the Monies already borrowed and Debts contracted repaid, unless the Term and Powers granted by the said Act be enlarged and continued; and in order to amend the said Roads effectually, and to make the same commodious for all Passengers, it will be necessary to borrow a further Sum of Money, as well for the amending the said Roads as for building a Bridge over the River *Ouze* at *Temsford* in the said County of *Bedford*, within the Space of Two Years, and for repairing and enlarging *Girtford*, *Haile*, and *Diddington* Bridges, in the said Counties of *Bedford* and *Huntingdon*, and other Bridges or Tunnels in the said Roads, *&c.*

The recited Act is farther continued for 21 *Years*, &c.

CAP. X.

An Act for repairing and widening the Road leading from Saint *Dunstan's Cross*, near the City of *Canterbury*, to the Water-side at *Whitstable*, in the County of *Kent*.

Preamble.

WHEREAS the Road from Saint *Dunstan's Cross* near the City of *Canterbury* (leading through the Parishes of Saint *Dunstan's*, *Harble-down*, *Blean*, *Hearn-hill*, *Sea Salter*, and *Whitstable*) to the Water-side at *Whitstable*, in the County of *Kent*, is in many Parts thereof very narrow, and the said Road, by reason of many heavy Carriages, and great Number of Passengers passing through the same, is in the Winter Season become ruinous and unsafe for Travellers and Carriages, notwithstanding the Inhabitants of the several Parishes through which the said Road leads have constantly every Year performed their respective Works required by the Laws now in being, towards repairing the same, *&c.*

Certain Tolls are granted from 24 June, 1736, *for* 21 *Years.*

CAP. XI.

An Act for enlarging the Term and Powers granted by an Act passed in the Fifth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing the Road from* Beconsfield *in the County of* Bucks *to* Stoken Church *in the County of* Oxon.

Preamble, reciting the Act 5 *Geo.* I. not printed.

WHEREAS by an Act of Parliament passed in the Fifth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for repairing the Road from* Beconsfield *in the County of* Bucks *to* Stoken Church *in the County of* Oxon, several Tolls, Duties, and Powers were granted and given for repair-

ing the ſaid Road for the Term of One and twenty Years, from the Second Day of *April*, One thouſand ſeven hundred and nineteen: And whereas the Truſtees impowered to put the ſaid Act in Execution have upon the Credit thereof borrowed a conſiderable Sum of Money in order to repair the ſaid Road, which Sum cannot be diſcharged, and the Road effectually repaired, unleſs the Term and Powers granted in and by the ſaid Act be continued and enlarged, *&c.*

The recited Act is further continued for 21 *Years.*

CAP. XII.

An Act to enable the Juſtices of the Peace, acting for the Weſtern Diviſion of the County of *Kent*, to purchaſe a convenient Piece of Ground for building a Gaol for the ſaid County, and for impowering the ſaid Juſtices to apply Part of the County Stock of the ſaid Diviſion towards the ſame.

WHEREAS the common Gaol for ſecuring the Priſoners of the Crown at *Maidſtone*, in the Weſtern Diviſion of the County of *Kent*, is in great Decay, too ſtrait for the ſafe keeping of the Priſoners, and, ſtanding in the middle of the ſaid Town, is often, from Diſtempers of the Priſoners, both offenſive and dangerous to the Inhabitants of the ſaid Town, and to ſuch as reſort thither; and there being no Priſon for confining of Debtors, great Charge, Expence, and Hazard are thereby occaſioned to the Sheriff of the ſaid County for the time being, to whoſe Cuſtody ſeveral Perſons are committed for Debts of very large Sums of Money; all which Inſufficiencies and Inconveniencies of the Gaol aforeſaid have been preſented by the Grand Jury at the Aſſizes and General Gaol Delivery held for the ſaid County: And whereas there is no Scite of Ground to enlarge the ſaid Gaol, or to erect a Priſon and other Conveniencies for the ſafe keeping of Debtors; and foraſmuch as the Juſtices of Peace for the ſaid County cannot by the Laws now in Force raiſe a ſufficient Sum of Money upon the ſaid County, in order to purchaſe a new Scite of Ground, and thereon build a Gaol; nor can they apply the Stock of the ſaid County or any Part thereof for the Purpoſes aforeſaid; Preamble.

be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Juſtices of the Peace, at their General Quarter Seſſions of the Peace held for the Weſtern Diviſion of the ſaid County, to authorize One or more Perſon or Perſons on their Behalf to contract for and purchaſe a convenient Piece of Ground in the Pariſh of Maidſtone, **and within or near the ſaid Town; and that the ſame when purchaſed ſhall be conveyed to the Right Honourable** John **Lord** Catherlogh, **the Honourable** John Finch **of** Aylesford, **Eſquire, Sir** William Twiſden **of** Eaſt Peckham, **Baronet, Sir** Walter Roberts **of** Hunton, **Baronet, Sir** Roger Meredith **of** Leeds, **Baronet, Sir** Chriſtopher Powell **of** Boughton Mountchelſea, **Baronet, Sir** Philip Boteler **of** Teſton, **Baronet, Sir** Edward Filmer **of** Eaſt Sutton, **Baronet,** Philips Gybbon **of** Rolvendon, **Eſquire,** William Horſemanden Turner **of** Maidſtone, **Eſquire,** William Rider **of** Buſton, **Eſquire,** Edward Loviſa Mann **of** Linton, **Eſquire,** William Hendley **of** Otham, **Eſquire,** John Kenward **of** Yalding, **Eſquire,** John Hamilton **of** Chelſon, **Eſquire,** William Walter **of** Chatham, **Eſquire,** Sarles Goately **of** Boxley, **Eſquire, and** George Faunce **Eſquire, and the Survivors of them, and their Heirs, who ſhall be ſeized thereof in Truſt for the Service and Benefit of the ſaid County, for the Uſes hereafter mentioned.** The Juſtices at their General Quarter Seſſions may authorize Perſons to purchaſe Ground in *Maidſtone* Pariſh, to be veſted in the Truſtees herein named.

II. **And be it further enacted by the Authority aforeſaid, That when and as often as the ſaid Truſtees ſhall be reduced by Death to the Number of Seven, then it ſhall and may be lawful to and for the remaining Truſtees, or any Three or more of them, to elect and appoint by Writing under their Hands and Seals any Number of Perſons reſiding in the ſaid County, not exceeding Ten, in whom, together with the old Truſtees, the Fee-ſimple and Inheritance of the ſaid Piece of Ground ſhall by virtue of ſuch Appointment be veſted in Truſt for the Service and Benefit of the ſaid County, for the Purpoſes aforeſaid; and the ſaid Number of Truſtees ſhall from time to time be filled up in Manner aforeſaid, whenever the Truſtees ſhall be reduced to the Number of Seven.** When the ſaid Truſtees ſhall be reduced to Seven, others to be choſen, not exceeding 10 in Number, *&c.*

III. **And be it further enacted, That when the ſaid Ground ſhall be ſo purchaſed, it ſhall and may be lawful for the ſaid Juſtices to cauſe to be built thereon and finiſhed a convenient Gaol, with different Wards for keeping the Debtors and Felons ſeparate, and ſuch other neceſſary Buildings and Conveniencies, as ſhall be adjudged requiſite by the ſaid Juſtices at their Quarter Seſſions, for the ſafe keeping of ſuch Perſons as ſhall be committed to the ſame, either for Debt, Felony, or any other Offence; which Gaol, when built and finiſhed, is hereby declared to be a publick and common Gaol for the ſaid County, and the Sheriff of the ſaid County for the time being ſhall have the keeping thereof, and ſhall have Power, when the ſaid Gaol is made fit for the Reception and ſafe keeping of Priſoners, to remove thither all ſuch Priſoners as ſhall then be in his Cuſtody, which Removal ſhall not be deemed or taken to be an Eſcape; and that after ſuch Removal it ſhall and may be lawful to and for the ſaid Juſtices at their ſaid General Quarter Seſſions to cauſe the preſent County Gaol for the ſaid Diviſion to be pulled down, or taken down, and the Materials thereof, or any Part thereof, either to uſe or cauſe to be uſed in or about the building or finiſhing ſuch new Gaol, or the ſame to ſell or cauſe to be ſold, and the Money ariſing thereby to apply towards the Expence and Charge of building and finiſhing ſuch New Gaol; and that the Ground on which the ſaid Gaol now ſtands, together with the Inheritance thereof, from and immediately after the ſaid Gaol is taken down and removed, ſhall remain and be in ſuch Perſon or Perſons, and his, her, or their Heirs, as would now be intitled thereto in caſe no Priſon or Gaol had ever been built thereupon.** A convenient Gaol, with different Wards to be built on the ſaid Ground. The Materials of the old Gaol how to be diſpoſed of.

IV. And whereas there is a conſiderable Surplus of the County Stock now in the Hands of the Treaſurer or Treaſurers of the Weſtern Diviſion of the ſaid County, **be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Juſtices at their Quarter Seſſions, in the firſt Place to pay thereout the reaſonable Expences and Charges expended or to be expended in, about, or by reaſon of paſſing this Act, and then to apply ſuch Part of the ſaid County Stock as they ſhall think proper in purchaſing the ſaid Piece of Ground, and building and finiſhing the ſaid Gaol intended to be built in purſuance of this Act: And the ſaid Juſtices ſhall and may, at their Quarter Seſſions, raiſe,** Part of the preſent County Stock to be applied towards the Charge thereof;

the remaining Charge to be raiſed by Aſſeſſment at the Quarter Seſſions.

or cauſe to be raiſed, within the ſaid Weſtern Diviſion, ſufficient Sums of Money for and towards purchaſing ſuch Ground, and alſo for building and compleating ſuch Gaol and other Conveniencies aforeſaid, and for repairing the ſame from time to time, by ſuch Ways and Means as Money may be raiſed for repairing of County Gaols, which ſhall be payable to ſuch Perſon or Perſons as Money for County Gaols is payable.

Publick Act.

V. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XIII.

An Act for the better regulating the Nightly Watch and Bedels within the Pariſh of Saint *Paul, Covent Garden*, within the Liberties of the City of *Weſtminſter*.

Preamble.

WHEREAS the keeping a ſufficient and well regulated Watch in the Night time within the Pariſh of Saint *Paul, Govent Garden*, within the Liberties of the City of *Weſtminſter*, is of great Importance for the Preſervation of the Perſons and Properties of the Inhabitants thereof, and very neceſſary to prevent, as well the Miſchiefs which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Diſorders: And whereas by the Laws now in being no effectual Proviſion is made for the eſtabliſhing, ordering, or well governing of ſuch a Nightly Watch, or for levying and collecting any Sums of Money for defraying the neceſſary Charges thereof, or for enforcing a due Application and juſt Account of any Money ſo levied and collected for that Purpoſe: And whereas it hath been found by Experience, that the Bedels employed within the ſaid Pariſh, for want of a proper Regulation and Government of them, have been of great Charge and little Uſe to the ſaid Pariſh, and the Methods hitherto practiſed of raiſing Monies for maintaining and paying the ſaid Bedels have been alſo precarious and unwarrantable; for Remedy of the aforeſaid Inconveniencies, may it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Third Day of May, and Third Day of November, One thouſand ſeven hundred and thirty ſix, and ſo in every Year enſuing (unleſs thoſe Days ſhall be Sundays and then upon the nert Days) the Veſtry of the ſaid Pariſh of Saint Paul, Covent Garden, and the Reverend Charles Tough, Sir Henry Hickes Knight, Thomas Archer, George Lyddell, Ambroſe Dickens, Thomas White, Joſeph Martin, Charles Bodens, Eſquires; Thomas Pellet Doctor in Phyſick, George Dowdſwell, William Oſwin, John Gibſon, Gabriel Fouace, George Tilden junior, John Stone, John Cox, Peter Gervaice, Peter Duhamell, Benjamin Binion, and Edward Auſtin, Inhabitants of the ſaid Pariſh, ſhall meet in the common Veſtry Room of the ſaid Pariſh, and then and there ſhall appoint what Number of Watchmen they ſhall judge neceſſary and proper to be kept in the ſaid Pariſh and the ſeveral Wards thereof for the Year then next to come, and ſhall nominate and appoint, as well ſuch honeſt and able bodied Men to be employed in that Service as they ſhall think beſt qualified for the ſame, as alſo a ſufficient Number of Bedels, proportionable to the Extent of the ſaid Pariſh, not exceeding One Bedel for each Ward of the ſame; and ſhall then and there direct and ſet down in Writing, at what Stands it is fit for the ſaid Watchmen to be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances are to be given to the ſaid Watchmen and Bedels for their Attendance, and all ſuch other Orders and Regulations, as the Nature of each particular Service ſhall ſeem to them to require; and if any of the ſaid Watchmen or Bedels ſo by them appointed ſhall die within the Year, or ſhall be negligent in his or their Duty, or guilty of any Miſbehaviour, or if it ſhall be found neceſſary to repeal, amend, or alter any of the ſaid Nominations, Appointments, Orders, and Regulations, it ſhall and may be lawful for the Veſtry of the ſaid Pariſh, and Inhabitants ſo named as aforeſaid (being convened by due and legal Notice at any intermediate times of the Year) to nominate and appoint One or more Perſon or Perſons fitly qualified, in the Room and Stead of him or them ſo dying, or guilty of Miſbehaviour, as aforeſaid; and alſo to make ſuch other Nominations and Appointments, and ſuch further Orders and Regulations for the better Government and Direction of the ſaid Watchmen and Bedels, as they ſhall think proper, and to do all ſuch other Acts and Things, as ſhall be neceſſary for the due Execution of this Act.

The Veſtry with other Perſons ſpecified by Name, to meet on 3 *May*, and 3 *Nov.* yearly,

and appoint the Number of Watchmen, and Bedels,

and ſet down in Writing the Orders agreed on for regulating the Watch,

Vacancies how to be filled up.

Tranſcripts of the Regulations, &c. ſigned by the Veſtry Clerk, to be delivered to each Conſtable.

II. And be it further enacted by the Authority aforeſaid, That a true Copy or Tranſcript of all ſuch Nominations, Appointments, Orders, and Regulations, as ſhall be ſo made from time to time as aforeſaid, for the better Direction and Government of the Watchmen ſo to be appointed, ſhall be fairly written and ſigned by the Veſtry Clerk of the ſaid Pariſh, and ſhall be delivered to the Conſtables for the time being of the ſaid Pariſh, and to every of them; and that from and after the ſaid Third Day of May, One thouſand ſeven hundred and thirty ſix, and ſo yearly and every Year, One of the ſaid Conſtables for the time being of the ſaid Pariſh ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Pariſh, from the Hours of Nine in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the Thirtieth Day of March; and from the ſaid Thirtieth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five of the Clock the nert Morning; and ſhall in their ſeveral Turns or Courſes of Watching uſe their beſt Endeavours to prevent as well all Miſchiefs happening by Fire, as all Murders, Burglaries, Robberies, and other Outrages and Diſorders; and to that End ſhall arreſt and apprehend all Night-walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering or misbehaving themſelves, and ſhall carry the Perſons, who ſhall be ſo apprehended, as ſoon as conveniently may be, to One or more Juſtice or Juſtices of the Peace of the City and Liberties of Weſtminſter, to be examined and dealt with according to Law; and ſhall Twice or oftner at convenient Times in every Night go about the ſaid Pariſh, and take Notice whether all the Watchmen perform their Duties in their ſeveral Stations, according to ſuch Orders and

Times of Watching.

The Duty of the Conſtables and Watchmen.

Regulations as shall have been made for that purpose by the Vestry of the said Parish, and the Inhabitants so named as aforesaid; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constable shall, as soon as conveniently may be, give Notice thereof to One of the Churchwardens for the time being, of the said Parish, to the End a Vestry and the Inhabitants so named as aforesaid may be forthwith summoned for the Examination and Punishment of such Offence.

The Watchmen in the Absence of the Constable, may apprehend Night-walkers, &c.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen or any of them (in the Absence of the Constable) and they are also hereby authorized and required in their several Stations, during the Time of their keeping Watch and Ward as aforesaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons, whom they shall find disturbing the publick Peace, or shall have just Cause to suspect to have any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable of the Night, who is hereby required to carry him, her, or them, before one or more Justice or Justices of the Peace of the said City and Liberties, to be examined and dealt with according to Law.

The Charges to be paid by an half yearly Assessment,

IV. And for the better raising and levying of Monies for paying the Wages of the said Watchmen and Bedels, and other Charges incident thereunto; and for defraying the necessary Charges and Expences of passing this Act, be it further enacted by the Authority aforesaid, That within Ten Days after the said Watchmen and Bedels shall be nominated and appointed as aforesaid, the said Vestry and Inhabitants so named (being convened by due and legal Notice) shall and they are hereby authorized and impowered to make an equal half-yearly Rate or Assessment according to a Pound Rate, upon all and every Person or Persons who do or shall inhabit, hold, or enjoy any House, Tenement, Shop, Warehouse, Cellar, or other Building, or the Occupier of the Ground Floor of any House or Building that shall be let in Tenements, within the said Parish, for and towards the raising the full Sum of Money by them judged necessary to be charged upon the said Parish; which said Rate or Assessment so to be made, being first allowed and confirmed by Two or more Justices of the Peace of the said City of Westminster and the Liberties thereof, and all Arrears due upon the same, shall be collected quarterly from the said Inhabitants and Occupiers of each respective House, Tenement, Shop, Warehouse, Cellar, or other Building within the said Parish, by such Person or Persons, as shall be appointed by the said Vestry and Inhabitants as aforesaid to collect and receive the same; which Collector or Collectors the Vestry and the said Inhabitants at their Meetings appointed by this Act are hereby authorized and impowered to nominate and appoint. And in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them respectively, it shall and may be lawful to and for such Collector or Collectors, by Warrant under the Hands and Seals of Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendring to him, her, or them the Overplus, if any be, the reasonable Charge of making such Distress and Sale being first deducted; and for want of such Distress, by like Warrant to commit the Party so neglecting or refusing (not being a Peer or Peeress of this Realm) to the common Gaol, until Payment thereof.

and on Non-payment to be levied by Distress.

The Assessment on Ambassador's, &c. Houses to be paid by the Landlords.

V. Provided always, and be it enacted, That every Rate, Tax, or Assessment, which shall be made or imposed by virtue of this Act, for or in respect of any House or Tenement, which any Ambassador, Resident, Agent, or other publick Minister of any Foreign Prince or State now doth, or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of such House, or Tenement, who shall be subject to the Payment thereof in like Manner as if he, she, or they, had been the Occupier or Occupiers thereof.

Persons aggrieved may appeal to the next General Quarter Sessions, whose Order to be final.

VI. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon an Appeal to the next General Quarter Sessions of the Peace to be held for the said City and Liberties of Westminster, it shall and may be lawful for the Justices of the Peace, or the greater Number of them assembled, to make such Order therein as to them shall seem meet; which said Order shall be final and conclude all Parties.

The Assessment not to exceed 6 *d.* *per* Pound.

VII. Provided also, and be it enacted, That no such Assessment or Assessments to be made in any one Year shall exceed the Rate of Six Pence in the Pound of the yearly Value of any Houses, Tenements, Shops, Warehouses, Cellars, or other Buildings so assessed and charged by Virtue of this Act.

No Person paying the said Assessment, or chosen a Bedel or Watchman, to gain thereby a Settlement in the Parish.

No hired Servant capable of being chosen a Bedel or Watchman.

VIII. Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons, who shall be charged in or pay to any Rate or Assessment to be made by Virtue or in pursuance of this Act, or being chosen a Bedel or Watchman, shall be deemed or construed thereby to gain any Settlement in the said Parish. And that no Person being a menial or hired Servant shall be capable of being chosen a Bedel or Watchman during the Time of his being such Servant; and if any Person being chosen a Bedel or Watchman, and afterwards returns to be a menial or hired Servant, such Person shall be incapable of serving the Parish as a Bedel or Watchman.

Collectors of the Assessment to account to the Vestry on 26 *July*, yearly,

or oftner, if required,

IX. And be it further enacted by the Authority aforesaid, That all and every Person or Persons, who shall be appointed by the said Vestry and Inhabitants as aforesaid to collect and receive the Monies due upon the said Assessment within the said Parish, or the several Wards thereof, shall from time to time pay over the Monies arising from the same, to such Person or Persons as the said Vestry and Inhabitants as aforesaid shall appoint, and shall upon the Twenty sixth Day of July, One thousand seven hundred and thirty seven, and so yearly (unless the same shall be Sunday and then upon the Twenty seventh Day of July) or oftner if required, make and yield up to the said Vestry and Inhabitants as aforesaid a true and perfect Account of all Sums of Money by them received and paid, and also pay and deliver into the Hands of such other Persons whom the said Vestry and Inhabitants as aforesaid shall appoint to receive the same, all such Sums of Money as shall remain in his or their Hands; which said Sums so remaining in his or their Hands, and all Monies whatsoever by them collected or received by virtue of this Act, it is hereby declared.

declared, shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise. And if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful, upon Complaint thereof made to Two or more Justices of the Peace of the said City and Liberties, by One of the Churchwardens of the said Parish, and Proof thereof on the Oath of one or more credible Witness or Witnesses (which Oath the said Justices are hereby authorized and impowered to administer) by Warrant under their Hands and Seals to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid so much as upon the said Account shall be remaining in his or their Hands.

on Pain of Imprisonment.

X. Provided also, and be it further enacted, That in case there shall be any Deficiency in any One Year's Rate or Assessment so to be made as aforesaid, either by Houses, Tenements, Shops, Warehouses, Cellars, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates and Assessments are respectively charged, so that the Wages or Allowances to Watchmen and Bedels and other incident Charges cannot be fully satisfied, paid, and discharged in that Year; then and in any such Case the Deficiency so happening in the said Parish shall be carried to the next succeeding Year's Rate, and shall be made good thereout; and if there shall happen to be any Surplus Money collected by such Rates and Assessments as aforesaid in the said Parish in any One Year, such Surplus shall be carried on to the next Year's Credit of such Rate, and shall be applied for such Uses and in such Manner, as the Rates and Assessments therein collected are by this Act directed to be laid out and applied.

Deficient or Surplus Monies to be carried over to the next Year's Rate.

XI. And be it further enacted by the Authority aforesaid, That an Account of the Total Sums assessed, collected, and received within the said Parish, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the Twentieth Day of August, One thousand seven hundred and thirty seven, and so yearly, shall be examined, adjusted, and signed at a Meeting of the Vestry and the said Inhabitants as aforesaid duly assembled within the said Parish; which said Book and Account shall be lodged in the Hands of the Vestry Clerk, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of the said Parish, who shall desire the same, without Fee or Reward.

Yearly Accounts of Receipts, and Disbursements to be adjusted and signed at a Vestry by 20 *Aug.*

and lodged with the Vestry Clerk.

XII. Provided, and it is hereby enacted and declared, That no Person or Persons who shall be rated and pay to any Rate or Rates to be made in pursuance of this Act, shall be liable to any Watch or Ward by Virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statute relating thereto, but shall be and are hereby discharged of and from the same.

Persons paying the said Rates discharged from Watch or Ward appointed by the Statute of *Winchester*.

XIII. And for supplying the Number of Inhabitants by this Act nominated and appointed to act jointly with the Vestry of the said Parish for the Purposes aforesaid, be it further enacted by the Authority aforesaid, That in case of the Death or Removal of any of the said Inhabitants so nominated and appointed, it shall and may be lawful to and for the said Vestry, and the surviving Inhabitants so nominated and appointed as aforesaid, to meet in the Vestry Room of the said Parish (Four Days Notice being first given of such Meeting in the Parish Church on the Lord's Day after Divine Service) and then and there elect and appoint so many fit and able Persons inhabiting within the said Parish to supply the Places of such as shall die or remove, to be joined with them in the Execution of this Act; and all and every Person or Persons so from time to time elected and appointed shall from thenceforth have the like Power and Authority in all Things relating to the Matters herein contained, as if he or they had been expressly named and appointed in and by this Act.

On Death or Removal of the Trustees before particularly named, how others to be chosen.

XIV. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought in any other County, City, or Place, that then, and in such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

XV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and be judicially taken Notice of as such by all Judges and Justices and other Persons whatsoever, without specially pleading the same.

Publick Act.

CAP. XIV.

An Act for repairing the Roads leading from *Henley* Bridge in the County of *Oxford* to *Dorchester* Bridge, and from thence to *Culham* Bridge, and to a Place called *Mile-stone* in the Road leading to *Magdalene* Bridge in the said County.

Preamble.

WHEREAS the Roads leading from *Henley* Bridge in the County of *Oxon* to *Dorchester* Bridge, and from thence to *Culham* Bridge, and to *Mile-stone* in the Road leading to *Magdalene* Bridge in the said County, by reason of the many heavy Carriages frequently passing through the same are become so very ruinous

ruinous and bad in the Winter Seaſon, that Travellers cannot paſs without great Danger: And whereas the ſaid Roads cannot by the ordinary Courſe appointed by the Laws now in Force for repairing the Highways of this Kingdom be effectually amended and repaired, unleſs ſome other Proviſion be made for raiſing Money to be applied for that Purpoſe, &c.

Certain Tolls are granted from 1 May 1736, *for* 21 *years.*

CAP. XV.

An Act for enabling the Mayor, Bailiffs, and Burgeſſes of the Borough of *New Windſor* in the County of *Berks*, to repair and maintain their great Bridge over the River of *Thames*, and the Way thereon, leading from the ſaid Borough of *New Windſor* to *Eton* in the County of *Bucks*.

WHEREAS the Mayor, Bailiffs, and Burgeſſes of the Borough of *New Windſor* in the County of *Berks*, are lawfully ſeized of the great Bridge over the River of *Thames*, commonly called or known by the Name of *Windſor Bridge*, ſet, lying, and being in *New Windſor* aforeſaid, and of the way thereon leading from *New Windſor* aforeſaid to *Eton* in the County of *Bucks*, with the Appurtenance thereof, and are obliged by reaſon of their Tenure to repair and maintain the ſame; and for that Purpoſe by themſelves, their Officers, Deputies, or Aſſigns, have received, and are intitled to receive, certain cuſtomary Tolls for Pontage and Paſſage over and under the ſaid Bridge; that is to ſay, Preamble.

For every Hearſe or Coach, paſſing over the ſaid Bridge with a dead Corps, Six ſhillings and eight pence. The Toll.

For every Hackney Coach (not a Freeman's) for every Paſſage, Two pence.

For every Load, Paſſage, or Carriage with Houſhold Goods, Wooll, Earthen Ware, Charcoal, and Leather, Four pence.

For every Load, Paſſage, or Carriage, with Corn, Hay, Straw, Dung, Wood, and Peat, Two pence.

For every Score of Sheep, Two pence.

For every Head of Oxen, Hogs, and other Cattle, One halfpeny.

For every Horſe loaded with Hampers, or otherwiſe, One halfpeny.

For every Barge, going under the ſaid Bridge down Stream, Six pence.

And whereas the ſaid Mayor, Bailiffs, and Burgeſſes have, by Indenture of Leaſe, bearing Date the Twelfth Day of *September*, One thouſand ſeven hundred and ſeven, demiſed the ſaid Bridge and Tolls for the Term of Forty Years, and under the yearly Rent of Five pounds, and ſubject to the Exceptions and Conditions therein expreſſed, to *John Herring* of *Windſor* aforeſaid, Grocer, his Executors, Adminiſtrators, and Aſſigns: And whereas the ſaid Bridge, which is of great Advantage to the Commerce of the adjacent Counties, as well as of the ſaid Borough, is now in a ruinous Condition, and no Proviſion is made for ſupporting the ſame, otherwiſe than by the Monies ariſing, from the Profits of the Tolls herein before and after mentioned, the Payment whereof hath of late been refuſed by ſeveral Perſons, and cannot be recovered but by bringing ſeparate Actions againſt each particular Perſon ſo refuſing, which muſt be attended with great Expence and Delay; **may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Bridge and the Way thereon with the Appurtenances thereof, and the ſaid cuſtomary Tolls for Pontage and Paſſage over and under the ſame (ſubject to the Intereſt granted by the ſaid Leaſe to the ſaid** John Herring, **his Executors, Adminiſtrators, and Aſſigns) ſhall be and remain veſted in the ſaid Mayor, Bailiffs, and Burgeſſes, and their Succeſſors, who ſhall ſtand for ever chargeable for the repairing, maintaining, and new making of the ſaid Bridge and Way, when and as often as need ſhall require.** The Leaſe thereof made to *J. Herring*. The ſaid Bridge, &c. ſubject to the ſaid Leaſe, veſted in the Mayor, &c.

II. **And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Perſon or Perſons appointed or to be appointed, by the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns, to collect the ſaid Tolls, to demand and take of all Perſons (other than Freemen of the ſaid Borough) who ſhall drive, lead, or conduct any ſuch Hearſes, Coaches, Carriages, Cattle, Horſes, Barges, or other Things, for which any ſuch cuſtomary Tolls have been paid for Pontage or Paſſage over or under the ſaid Bridge, the reſpective Tolls before mentioned; and upon their Neglect or Refuſal to pay ſuch Tolls, to deny or hinder any Paſſage over or under the ſaid Bridge, until Payment thereof, and to diſtrain any ſuch Hearſes, Coaches, Carriages, Cattle, Horſes, Barges, or other Things, or any other of the Goods and Chattels of ſuch Perſon or Perſons as ſhall ſo lead, drive, or conduct any ſuch Hearſes, Coaches, Carriages, Cattle, Horſes, Barges, or other Things, or any of the Goods and Chattels of the Owner or Owners thereof, and to detain the ſame until Payment of the ſaid Tolls; and after the Space of Five Days after ſuch Diſtreſs to ſell what ſhall be ſo diſtrained for Payment of the ſaid Tolls, rendring to the Owner or Owners thereof the Overplus upon Demand, if any ſhall be, after Satisfaction of the ſaid Tolls, the reaſonable Charges of ſuch Diſtreſs and Sale being firſt deducted.** who may appoint Collectors. Diſtreſs on Nonpayment.

III. And whereas the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns, when and as often as the ſaid Bridge hath been broken down, or the Paſſage over the ſame hath become dangerous, or been interrupted for the neceſſary Reparation thereof, have, during ſuch Time as the ſaid Bridge hath continued impaſſable, lawfully enjoyed, and of Right ought to enjoy, the Franchiſe or Privilege of a Ferry over the ſaid River near to the ſaid Bridge, for tranſporting Paſſengers, Carriages, Horſes, and Cattle; the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns, providing Boats and Men neceſſary for that Service, and taking for Paſſage over the ſaid River, by ſuch Ferry, ſuch Tolls as are due for Pontage over the ſaid Bridge, and reaſonable Tolls for ſuch Paſſengers, Carriages, and Horſes, as are not liable to pay ſuch Pontage: **Be it enacted by the Authority aforeſaid, That the ſaid Tolls for Paſſage over the ſaid River by ſuch Ferry ſhall continue payable to the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns, to be applied towards repairing and maintaining the ſaid Bridge and the Way thereon, and ſhall and may be collected and recovered by ſuch Methods as are herein before appointed for collecting and recovering the ſaid Tolls for Pontage over the ſaid Bridge.** The Profits of the Ferry, whilſt the Bridge is repairing, veſted in the Mayor, &c.

IV. **Provided**

Ferry not to continue longer than the neceſſary Reparations of the Bridge, which are to be finiſhed in 3 Months.

IV. Provided alſo, and be it enacted by the Authority aforeſaid, That ſuch Ferry or Ferries ſhall not continue for any longer Time than the neceſſary Reparation of the ſaid Bridge ſhall require; and that all Reparations of the ſaid Bridge, whereby the Paſſage over the ſame ſhall be interrupted, ſhall be perfected within the Space of Three Months.

10*s.* Penalty on any Perſon, not authorized by the Mayor, *&c.* working a Boat within 2 Furlongs of the Bridge to hinder the Toll.

V. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, who ſhall not be licenſed or authorized by the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns, ſhall provide or work any Boat or Boats for ferrying over any Paſſengers, Carriages, Horſes, or Cattle, during ſuch Time as the ſaid Bridge ſhall continue impaſſable as is aforeſaid, whereby the Payment of the ſaid Tolls ſhall be avoided, within Two Furlongs of the ſaid Bridge; every ſuch Perſon, being thereof convicted upon Oath before any One or more Juſtice or Juſtices of the Peace of the ſaid Counties of Berks or Bucks, ſhall for every ſuch Offence reſpectively forfeit and pay to the ſaid Mayor, Bailiffs, and Burgeſſes, or their Aſſigns of the ſaid Tolls, the Sum of Ten Shillings, to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of the ſaid Juſtice or Juſtices; the Overplus, if any ſhall be, to be rendred to the Owner, after Deduction of reaſonable Charges for ſuch Diſtreſs and Sale; all which Forfeitures ſhall be applied towards the Repair and Maintenance of the ſaid Bridge.

Limitation of Actions.

VI. And be it further enacted by the Authority aforeſaid, That if any Action ſhall be brought againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, every ſuch Action ſhall be laid in the County of Berks, and not elſewhere; and the Defendant or Defendants in ſuch Action may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if any ſuch Action ſhall be laid in any other County, the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs in ſuch Action ſhall ſuffer a Diſcontinuance, or be nonſuited, or a Verdict ſhall paſs, or Judgment upon Demurrer or otherwiſe be given againſt him, her, or them, the Defendant or Defendants ſhall and may recover treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have in other Caſes by Law.

General Iſſue.

Treble Coſts.

Publick Act.

VII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XVI.

An Act for continuing the Term and Powers granted by an Act paſſed in the Fourth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Highways from* Crown Corner *in the Town of* Reading (*leading by and through the ſeveral Pariſhes of* Shinfield *and* Heckfield, *in the ſeveral Counties of* Berks, Wilts, *and* Southampton) *to* Baſingſtoke *in the ſaid County of* Southampton.

Preamble, reciting the Act 4 *Geor.* I. *not printed.*

WHEREAS by an Act of Parliament made and paſſed in the Fourth Year of the Reign of his late Majeſty King *George*, intituled, *An Act for repairing the Highways from* Crown Corner *in the Town of* Reading (*leading by and through the ſeveral Pariſhes of* Shinfield *and* Heckfield, *in the ſeveral Counties of* Berks, Wilts, *and* Southampton) *to* Baſingſtoke *in the ſaid County of* Southampton, ſeveral Tolls and Duties were granted and made payable for repairing the ſaid Highways, which Act was to commence from the Twenty fifth Day of *March*, One thouſand ſeven hundred and eighteen, and from thence to continue for and during the Term of One and twenty Years: And whereas the Truſtees appointed to put the ſaid Act in Execution have laid out and expended conſiderable Sums of Money in repairing and amending the ſaid Highways, but the ſaid Highways, being Fifteen Miles in Length, and by reaſon Materials neceſſary for ſuch Repairs lie at a great Diſtance, cannot be effectually repaired and amended according to the true Intent and Meaning of the ſaid Act, and the Money advanced on the Credit of the ſaid Act repaid, unleſs the Term thereby granted be enlarged, and the ſaid Act made more effectual, *&c.*

The recited Act is continued for 21 *Years farther.*

CAP. XVII.

An Act for the better regulating the Nightly Watch and Bedels within the Pariſhes of Saint *Margaret* and Saint *John the Evangeliſt*, within the City and Liberty of *Weſtminſter*.

Preamble.

WHEREAS a new Church hath been erected near *Mill Bank*, in the Pariſh of Saint *Margaret*, *Weſtminſter*, and a Diſtrict hath been allotted thereto, which ſince the Conſecration of the ſaid Church hath been called and known by the Name of the Pariſh of Saint *John the Evangeliſt*: And whereas, notwithſtanding ſuch Diviſion, all Parochial Rates (except only the Rate for the Maintenance of the Rector of the ſaid new Church, appointed to be made by an Act paſſed in the firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for making Proviſion for the Rector of the new Church ſituate near* Mill Bank, *in the Pariſh of Saint* Margaret, Weſtminſter, *and for other Purpoſes therein mentioned)* have been and now are (in purſuance of an Act paſſed in the Tenth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for enlarging the Time given to the Commiſſioners appointed by her Majeſty, purſuant to an Act for granting to her Majeſty ſeveral Duties on Coals, for building Fifty new Churches in and about the Cities of* London, *and* Weſtminſter, *and Suburbs thereof, and other Purpoſes therein mentioned; and alſo for giving the ſaid Commiſſioners further Powers for better effecting the ſame; and for appointing Monies for rebuilding the Pariſh Church of Saint* Mary Woolnoth *in the City of* London) aſſeſſed and levied within and through all Parts and Diſtricts, which did formerly belong to the ſaid Pariſh of Saint *Margaret*, *Weſtminſter:* And whereas the well ordering and regulating a Nightly Watch and Bedels within the ſaid two Pariſhes of Saint *Margaret*, and Saint *John the Evangeliſt*, within the City and Liberty of *Weſtminſter*, is of great Importance for the Preſervation of the Perſons and Properties of the Inhabitants thereof, and very neceſſary to prevent, as well the Miſchiefs which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Diſorders: And whereas by the Laws now in being no effectual Proviſion is made for the eſtabliſhing, ordering, or well governing of ſuch a Nightly Watch and Bedels within the ſaid two Pariſhes, or for levying and collecting any Sums of Money for defraying the neceſſary Charges thereof, or for enforcing a due Application and juſt Account

of any Money ſo levied and collected for that Purpoſe: For Remedy of the aforeſaid Inconveniencies, may it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Twenty firſt Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix, and afterwards on the Tueſday in Eaſter Week yearly and every Year, the Veſtries of the ſaid Two Pariſhes of Saint Margaret, and Saint John the Evangeliſt, ſhall meet together in the common Veſtry Room of the Pariſh of Saint Margaret, and then and there ſhall appoint what Number of Watchmen they ſhall judge neceſſary and proper to be kept within each of the ſaid Pariſhes and the ſeveral Wards thereof, for the reſpective Terms and Times herein after mentioned; that is to ſay, At their firſt Meeting for the then current Year, which ſhall determine on Tueſday in Eaſter Week which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſeven, and at their ſubſequent Meetings for every ſucceeding Year, and alſo what Number of Bedels ſhall be kept within the ſame Pariſhes reſpectively, in Proportion to the Extent of each Pariſh, and ſhall at ſuch reſpective Meetings order what Wages and Allowances are to be given to the ſaid Watchmen and Bedels for their Attendance, and aſcertain what Pound Rate ſhall be made for defraying the Charges and Expences of ſuch Nightly Watch and Bedels.

The Veſtries of the 2 Pariſhes to meet yearly in St. *Margaret*'s Veſtry Room, and appoint the Number of Watchmen and Bedels,

and aſcertain the Pound Rate for the Charge thereof,

II. And be it further enacted by the Authority aforeſaid, That the Veſtries of each of the ſaid Pariſhes ſhall, within Fourteen Days after the Number of Watchmen ſhall have been appointed, aſſemble in their reſpective Veſtry Rooms yearly and every Year, and ſhall nominate and chooſe honeſt and able-bodied Men to be employed as Watchmen and Bedels within their reſpective Pariſhes, as they ſhall think beſt qualified for the ſame, and ſhall ſet down in Writing at what Stands it is fit for the ſaid Watchmen to be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, and to make ſuch Orders and Regulations as the Nature of each particular Service ſhall appear to them to require; and if any of the ſaid Watchmen or Bedels ſo by them appointed ſhall die within the Time for which he is appointed to ſerve, or ſhall be negligent in his or their Duty, or guilty of any Miſbehaviour, or if it ſhall be found neceſſary to repeal, amend, or alter any of the ſaid Nominations, Appointments, Orders, or Regulations, it ſhall and may be lawful for the reſpective Veſtries of the ſaid Pariſhes, being convened by due and legal Notice at any intermediate Times of the Year, to nominate and appoint One or more Perſon or Perſons fitly qualified, in the Room or Stead of him or them ſo dying, or guilty of Miſbehaviour, as aforeſaid, and alſo to make ſuch other Nominations and Appointments, and ſuch further Orders and Regulations for the better Government and Direction of the ſaid Watchmen and Bedels within their reſpective Pariſhes, as they ſhall think proper.

and in 14 Days after chooſe the Watchmen and Bedels,

and ſet down in Writing the Regulations agreed on.

Vacancies how to be filled up.

III. And be it further enacted by the Authority aforeſaid, That a true Copy or Tranſcript of all ſuch Nominations, Appointments, Orders, and Regulations, as ſhall be ſo made from time to time as aforeſaid for the better Direction and Government of the Watchmen ſo to be appointed, ſhall be fairly written and ſigned by the Veſtry Clerk of the ſaid reſpective Pariſhes, and ſhall be delivered to the Conſtables for the time being of both the ſaid Pariſhes, and to every of them; and that from and after the Twenty fourth Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix, Two of the ſaid Conſtables for the time being of the ſaid Two Pariſhes ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Pariſhes from the Hours of Nine in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the Twenty fifth Day of March, and from the Twenty fifth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five of the Clock in the Morning; and ſhall, in their ſeveral Turns or Courſes of Watching uſe their beſt Endeavours to prevent, as well all Miſchiefs happening by Fires, as all Murders, Burglaries, Robberies, and other Outrages and Diſorders; and to that End ſhall and are hereby impowered to arreſt and apprehend all Night Walkers, Malefactors, and ſuſpected Perſons, who ſhall be found wandering or misbehaving themſelves, and ſhall carry the Perſon or Perſons who ſhall be ſo apprehended, as ſoon as conveniently may be, before One or more Juſtice or Juſtices of the Peace of the City and Liberty of Weſtminſter, to be examined and dealt with according to Law, and ſhall twice or oftner at convenient Times in every Night go about the ſaid Pariſhes, and take Notice whether all the Watchmen perform their Duties in their ſeveral Stations, according to ſuch Orders and Regulations as ſhall have been made for that Purpoſe by the Veſtries of the ſaid Pariſhes reſpectively; and in caſe any ſuch Watchman ſhall misbehave himſelf, or neglect his Duty, the ſaid Conſtable ſhall as ſoon as conveniently may be give Notice thereof to One of the Churchwardens for the time being of the Pariſh to which ſuch Watchman ſhall belong, to the End a Veſtry of the ſaid Pariſh may be forthwith ſummoned for the Examination and Puniſhment of ſuch Offence.

A Copy of the Regulations, ſigned by the Veſtry Clerk of each Pariſh,

to be delivered to each Conſtable.

The Times and Manner of watching.

Their Duty.

IV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Watchmen, or any of them (in the Abſence of the Conſtable) and they are alſo hereby authorized and required, in their ſeveral Stations, during the Time of their keeping Watch and Ward as aforeſaid, to apprehend all Night Walkers, Maleſactors, Rogues, Vagabonds, and all other diſorderly Perſons, whom they ſhall find diſturbing the publick Peace, or ſhall have juſt Cauſe to ſuſpect of any evil Deſigns, and to deliver the Perſon or Perſons ſo apprehended, as ſoon as conveniently may be, to the Conſtable of the Night, who is hereby required to carry him, her, or them before One or more Juſtice or Juſtices of the Peace of the ſaid City and Liberty, to be examined and dealt with according to Law.

The Watchmen, in the Abſence of the Conſtable, may apprehend Night-walkers, &c.

V. And for the better raiſing and levying of Monies for paying the Wages of the ſaid Watchmen and Bedels, and other Charges incident thereunto, and for defraying the neceſſary Charges and Expences of paſſing this Act, be it further enacted by the Authority aforeſaid, That within Fifteen Days after the Number of the ſaid Watchmen and Bedels ſhall be agreed upon as aforeſaid, the Veſtries of the ſaid Pariſhes ſhall meet together yearly

How and when the Aſſeſſment is to be made.

yearly and every Year in the Vestry Room of the Parish of Saint Margaret, Notice of which Meeting shall be given on the Lord's Day next before in the Church of each Parish immediately after the Morning Service, and shall and they are hereby authorized and impowered to make and sign a Rate or Assessment, in Proportion and according to the Pound Rate which shall have been ascertained for the Purposes aforesaid, to be collected quarterly upon all and every Person or Persons, who do or shall inhabit, hold, occupy, or enjoy any House, Shop, Warehouse, or other Building, or the Occupier of the Ground Floor of any House or Building that shall be lett in Tenements within the said Parishes, for and towards the raising the full Sum of Money by them judged necessary to be charged upon the said Parishes; which said Rate or Assessment, so to be made (being first allowed and confirmed by Two or more Justices of the Peace of the City and Liberty of Westminster) and all Arrears due upon the same, shall be collected from the said Inhabitants and Occupiers, by such Person or Persons as shall be appointed by the said Vestries to collect and receive the same, which Collector or Collectors the said Vestries at their general Meetings appointed by this Act are hereby authorized and impowered to nominate and appoint.

Person appointed a Collector, on refusing to act, to forfeit 10 *l.*

VI. And it is hereby further enacted by the Authority aforesaid, That in case any Person so to be nominated or appointed, shall refuse to be a Collector of the Rates and Duties directed to be levied by this Act, every Person so refusing shall forfeit the Sum of Ten Pounds; and in that Case it shall and may be lawful to and for One or more Justice or Justices of the Peace for the said City and Liberty, upon Complaint to him or them made by any Two or more of the Vestry Men of either of the said Parishes, to issue a Warrant to any Constable of either of the said Parishes, to levy the said Forfeiture by Distress and Sale of the Goods and Chattels of the Person so refusing, rendring the Overplus (after deducting the necessary Charges and Expences of such Distress and Sale) to the Owner thereof. And in case of such Refusal, or if any such Collector shall die, or remove out of the said Parishes, it shall and may be lawful to and for the said Vestries to meet together in the Vestry Room of the Parish of Saint Margaret (Notice of such Meeting being given in the said Churches as aforesaid) and to nominate another Person to be a Collector in the Room and Stead of such Person so refusing, dying, or removing.

which may be levied by Distress.

In case of such Refusal, Death &c. how others to be chosen.

The Assessment, on Payment refused, to be levied by Distress.

VII. And it is hereby further enacted and declared by the Authority aforesaid, That the said Penalties to be levied pursuant to this Act shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels to be appointed by virtue of this Act; and in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them, as aforesaid, it shall and may be lawful to and for such Collector or Collectors, by Warrant or Warrants under the Hands and Seals of Two Justices of the Peace of the said City and Liberty, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendring to him, her, or them the Overplus, if any be, the reasonable Charge of making such Distress and Sale being first deducted.

Intermediate Meetings.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Vestries to meet together in the Vestry Room of the Parish of Saint Margaret at any intermediate Times in every Year, as Occasion shall require (Notice of such Meeting being given in the said Churches as before directed) and to make a Rate or Assessment upon all and every Person or Persons who shall become the Occupier or Occupiers of any House, Shop, Warehouse, or other Building, after the Rate for that Year shall have been made and signed as aforesaid; which Rate or Assessment, being allowed and confirmed by Two Justices of the Peace of the said City and Liberty, shall be raised, levied, and collected by such Person or Persons, and in such Manner, as the before mentioned Rate is directed to be raised, levied, and collected by this Act.

The Assessment on Ambassadors, &c. Houses, to be paid by the Landlords.

IX. Provided always, and be it enacted by the Authority aforesaid, That every Rate, Tax, or Assessment, which shall be made or imposed by virtue of this Act, for or in respect of any House or Tenement, which any Ambassador, Resident, Agent, or other publick Minister of any foreign Prince or State now doth or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of such House or Tenement, who shall be subject to the Payment thereof in like Manner as if he, she, or they had been the Occupier or Occupiers thereof.

Persons aggrieved may appeal to the next Quarter Sessions.

X. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon an Appeal to the next General Quarter Sessions of the Peace to be held for the said City and Liberty of Westminster, it shall and may be lawful for the Justices of the Peace, or the greater Number of them then assembled, to make such Order therein as to them shall seem meet; which said Order shall be final, and conclude all Parties.

The Assessment not to exceed 6 *d.* in the Pound.

XI. Provided also, and be it enacted by the Authority aforesaid, That no such Assessment or Assessments to be made in any one Year shall exceed the Rate of Six Pence in the Pound of the yearly Value of any Houses, Tenements, Shops, Warehouses, or other Buildings so assessed and charged by virtue of this Act.

No Person paying the Assessment, or chosen a Bedel or Watchman, to gain thereby a Settlement in the Parish.

XII. Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons who shall be charged in or pay to any Rate or Assessment to be made by virtue or in pursuance of this Act, or being chosen a Bedel or Watchman, shall be deemed or construed thereby to gain any Settlement in the Parish or Place wherein such Charge or Payment shall be made, and that no Person being a menial or hired Servant shall be capable of being chosen a Bedel or Watchman during the Time of his being such Servant.

Collectors to account yearly on 20 *July*, &c.

XIII. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall be appointed by the said Vestries to collect and receive the Monies due upon the said Assessments within each Parish, or the several Wards thereof, shall from time to time pay over the Monies arising from the same to such Watchmen, Bedels, or other Persons, and in such Proportions, as the said Vestries shall appoint; and shall upon the Twentieth Day of July yearly (unless the same shall be Sunday and then upon the Twenty first Day of July) or oftner if required, make and yield up to the said Vestries a true and perfect

perfect Account of all Sums of Money by them received and paid, and also pay and deliver into the Hands of such other Person or Persons, whom the said Vestries shall appoint to receive the same, all such Sums of Money as shall remain in their or any of their Hands. And it is hereby declared, That all Monies whatsoever by them collected or received by virtue of this Act, shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise. And if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful for any Two Justices of the Peace of the said City and Liberty of Westminster, upon Complaint to them made by One of the Churchwardens of either of the said Parishes, and Proof thereof on the Oath of One or more credible Witness or Witnesses (which Oath the said Justices are hereby authorized and impowered to administer) by Warrant under their Hands and Seals to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid such Sum as upon the said Account shall appear to be remaining in his or their Hands.

on pain of Imprisonment.

XIV. Provided also, and be it further enacted by the Authority aforesaid, That in case there shall be any Deficiency in any One Year's Rate or Assessment so to be made as aforesaid, either by Houses, Shops, Warehouses, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates or Assessments are respectively charged, so that the Wages or Allowances to Watchmen and Bedels, and other incident Charges, cannot be fully satisfied, paid, and discharged in that Year, then and in any such Case the Deficiency so happening in the said Parishes shall be carried to the next succeeding Year's Rate, and shall be made good thereout; or if there shall happen to be any Surplus Money collected by such Rates or Assessments as aforesaid in either of the said Parishes in any One Year, such Surplus shall be carried on to the next Year's Account of such Rates, and shall be applied for such Uses and in such Manner as the Rates and Assessments therein collected are by this Act directed to be laid out and applied.

Deficient or Surplus Monies to be carried over to the next Year's Account.

XV. And be it further enacted by the Authority aforesaid, That an Account of the total Sums assessed, collected, and received within the said Parishes, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the Twentieth Day of August yearly, shall be examined, adjusted, and signed, at a Meeting of the said Vestries duly assembled in the Vestry Room of the said Parish of Saint Margaret, which said Books and Accounts shall be lodged in the Hands of the Vestry Clerk of the said Parish of Saint Margaret, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of either of the said Parishes, who shall desire the same, without Fee or Reward.

A Book of Receipts and Disbursements, signed at St. *Margaret*'s Vestry by 20 *August* yearly, to be kept by the Vestry Clerk, and inspected without Fee.

XVI. Provided always, and be it enacted and declared by the Authority aforesaid, That if the Vestry of the said Parish of Saint John the Evangelist shall not from time to time meet the Vestry of Saint Margaret, in order to put this Act in Execution (Notice having been given in the said Churches as before directed by this Act for that Purpose) or if the said Two Vestries shall not at such Meeting appoint the Number of Bedels and Watchmen to be employed in the said Parishes, or shall not apportion the Rates for paying them, that then it shall and may be lawful to and for the Vestry of Saint Margaret separately to make such Rates or Assessments, and to appoint the Number of Watchmen and Bedels, and to do all such other Acts, as shall be necessary for putting this Act in Execution, in such Manner as they are impowered to make all other Rates and Assessments within the said Parishes, and as if no Division had been made of the said Parish of Saint Margaret.

On Neglect of St. *John*'s Vestry to meet and act jointly,

St. *Margaret*'s Vestry may make such Assessments separately.

XVII. Provided always, and be it further enacted by the Authority aforesaid, That if at any Time hereafter an effectual and perpetual Division of the said Parishes shall be made in pursuance of the before mentioned Act passed in the Tenth Year of her late Majesty Queen Anne, then and in such Case the Vestries of each Parish respectively shall appoint the Number of Watchmen and Bedels that they shall think sufficient to be employed within their respective Parishes, and do all other Acts and Things necessary for putting this Act in Execution.

If a Division of the said Parishes shall be hereaftermade, the Vestries of each separately to execute this Act.

XVIII. Provided always, and it is hereby enacted and declared, That no Person or Persons who shall be rated and pay to any Rate or Rates to be made in pursuance of this Act, shall be liable to any Watch or Ward by virtue of the Statute commonly called The Statute of Winchester, made in the Thirteenth Year of the Reign of King Edward the First, or any other subsequent Statute relating thereto, but shall be and are hereby discharged of and from the same.

No Person paying the said Assessment, liable to the Watch or Ward appointed by the Stat. of *Winchester*.

XIX. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, that then, and in such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Limitation of Actions.

General Issue.

Treble Costs.

Publick Act.

XX. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges and Justices and other Persons whatsoever, without specially pleading the same.

CAP. XVIII.

An Act for reviving and continuing the Acts therein mentioned, and for explaining and amending a Clause in an Act made in the First Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for making the Laws for repairing the Highways more effectual*, relating to the appointing Scavengers in Cities and Market Towns, and the ordering the Assessments for the repairing and cleansing the Streets therein.

The Act 2 *Geo.* II. *c.* 25. against *Forgery, Perjury*, &c. revived, and made perpetual. 5 *Geo.* II. *c.* 30.

WHEREAS an Act made in the Second Year of His present Majesty's Reign, intituled, *An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money*, is expired, and One other Act made in the Fifth Year of His present Majesty's Reign, intituled, *An Act to prevent the committing of Frauds by Bankrupts*, is near expiring, both which Acts have been found useful and beneficial to the Publick; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty six, the said Act, made in the Second Year of His present Majesty's Reign, shall be and is hereby revived and made perpetual.

The *Bankrupts* Act 5 *Geo.* II. further continued till 29 *Sept.* 1743.

II. And be it further enacted by the Authority aforesaid, That the above mentioned Act, made in the Fifth Year of His Majesty's Reign, shall be and is hereby continued, and shall be in Force, from the Time therein limited for the Expiration thereof, until the Twenty ninth Day of September, which shall be in the Year of our Lord One thousand seven hundred and forty three, and from thence to the End of the then next Session of Parliament, and no longer.

The Act 1 *Geo.* I. *c.* 52. *for repairing the Highways*, extended to Market Towns.

III. And whereas by a Clause in an Act of Parliament made in the First Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for making the Laws for repairing the Highways more effectual*, the Justices of the Peace in any City or Market Town (not having already particular Provision made for them therein by any former Law) or the major Part of them, at their General or Quarter Sessions, are impowered to appoint a Scavenger or Scavengers for cleansing the Streets, and to order the repairing such Streets therein, as they shall judge necessary; and, for defraying the Charges thereof, to order an Assessment or Assessments, not exceeding Six Pence in the Pound in One Year, to be equally made upon all and every the Occupiers or Owners of Houses, Lands, Tenements, and Hereditaments, in such Cities; and whereas Market Towns are omitted in the latter Part of the said Clause; be it therefore enacted, That the said Clause, and all the Powers therein contained or mentioned, shall be deemed and taken to extend to Market Towns (not having already particular Provision made for them therein by any former Law) as well as Cities, as if the same had been in the said Clause particularly named and mentioned.

CAP. XIX.

An Act for the better regulating the Nightly Watch and Bedels within the Parish of Saint *Anne*, within the Liberties of the City of *Westminster*.

Preamble.

WHEREAS the keeping a sufficient and well regulated Watch in the Night time within the Parish of Saint *Anne*, within the Liberties of the City of *Westminster*, is of great Importance for the Preservation of the Persons and Properties of the Inhabitants thereof, and very necessary to prevent, as well the Mischiefs which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Disorders: And whereas by the Laws now in being no effectual Provision is made for the establishing, ordering, or well governing of such a Nightly Watch, or for levying or collecting any Sums of Money for defraying the necessary Charges thereof, or for enforcing a due Application and just Account of any Money so levied and collected for that Purpose: And whereas it hath been found by Experience, that the Bedels employed within the said Parish, for want of a proper Regulation and Government of them, have been of great Charge and little Use to the said Parish, and the Methods hitherto practised of raising Monies for maintaining and paying the said Bedels, have been also precarious and unwarrantable; for Remedy of the aforesaid Inconveniencies, may it please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That

The Vestry to meet on 3 *May*, and 3 *Nov.* yearly,

upon the Third Day of May, and Third Day of November, One thousand seven hundred and thirty six, and so in every Year ensuing (unless those Days shall be Sundays and then upon the next Days) the Vestry of the said Parish of Saint Anne shall meet and be held in the common Vestry Room of the said Parish, and then and there shall appoint

and appoint the Number of Watchmen, and Bedels,

what Number of Watchmen they shall judge necessary and proper to be kept in the said Parish, and the several Wards thereof, for the Year then next to come, and shall nominate and appoint, as well such honest and able bodied Men to be employed in that Service as they shall think best qualified for the same, as also a sufficient Number of Bedels proportionable to the Extent of the said Parish, not exceeding Two Bedels for each Ward of the same; and shall then and there direct and set down

and set down in Writing the Orders agreed on for regulating the Watch.

in Writing, at what Stands it is fit for the said Watchmen to be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances are to be given to the said Watchmen and Bedels for their Attendance, and all such other Orders and Regulations as the Nature of each particular Service shall seem to them to require; and if any of the said Watchmen or Bedels so by them appointed shall die within the Year, or shall be negligent in his or their Duty, or guilty of any Misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the said Nominations, Appointments, Orders, and Regulations, it shall and may be lawful for the Vestry of the said Parish (being convened by due and legal Notice at any intermediate Times of the Year) to nominate and appoint

Vacancies how to be filled up.

One

One or more Person or Persons, fitly qualified, in the Room and Stead of him or them so dying, or guilty of Misbehaviour, as aforesaid; and also to make such other Nominations and Appointments, and such further Orders and Regulations for the better Government and Direction of the said Watchmen and Bedels, as they shall think proper, and to do all such other Acts and Things as shall be necessary for the due Execution of this Act.

Transcripts of the Regulations, &c. signed by the Vestry Clerk, to be delivered to each Constable.

II. And be it further enacted by the Authority aforesaid, That a true Copy or Transcript of all such Nominations, Appointments, Orders, and Regulations, as shall be so made from time to time as aforesaid for the better Direction and Government of the Watchmen so to be appointed, shall be fairly written and signed by the Vestry Clerk of the said Parish, and shall be delivered to the Constables for the time being of the said Parish, and to every of them; and that from and after the said Third Day of May, One thousand seven hundred and thirty six, and so yearly and every Year, One of the said Constables for the time being of the said Parish shall attend every Night by Turns, and shall keep Watch and Ward within the said Parish, from the Hours of Nine in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the Thirtieth Day of March; and from the said Thirtieth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five of the Clock the next Morning; and shall in their several Turns or Courses of Watching use their best Endeavours to prevent, as well all Mischiefs happening by Fire, as all Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that End shall arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering or misbehaving themselves, and shall carry the Persons, who shall be so apprehended, as soon as conveniently may be, to One or more Justice or Justices of the Peace of the City and Liberties of Westminster, to be examined and dealt with according to Law; and shall twice or oftner at convenient Times in every Night go about the said Parish, and take Notice whether all the Watchmen perform their Duties in their several Stations according to such Orders and Regulations as shall have been made for that purpose by the Vestry of the said Parish; and in case any such Watchman shall misbehave himself or neglect his Duty, the said Constable shall as soon as conveniently may be give Notice thereof to One of the Churchwardens for the time being of the said Parish, to the End a Vestry may be forthwith summoned for the Examination and Punishment of such Offence.

Times of Watching.

The Duty of the Constables and Watchmen.

The Watchmen in the Absence of the Constable, may apprehend Night-walkers, &c.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them (in the Absence of the Constable) and they are also hereby authorized and required in their several Stations during the Time of their keeping Watch and Ward as aforesaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons, whom they shall find disturbing the publick Peace, or shall have just Cause to suspect to have any evil Designs, and to deliver the Person or Persons so apprehended as soon as conveniently may be to the Constable of the Night, who is hereby required to carry him, her, or them, before One or more Justice or Justices of the Peace of the said City and Liberties, to be examined and dealt with according to Law.

The Charges to be paid by an half-yearly Assessment, and on Non-payment, to be levied by Distress.

IV. And for the better raising and levying of Monies for paying the Wages of the said Watchmen and Bedels and other Charges incident thereto, and for defraying the necessary Charges and Expences of passing this Act, be it further enacted by the Authority aforesaid, That within Ten Days after the said Watchmen and Bedels shall be nominated and appointed as aforesaid, the said Vestry (being convened by due and legal Notice) shall and they are hereby authorized and impowered to make an equal half-yearly Rate or Assessment, according to a Pound Rate, upon all and every Person or Persons who do or shall inhabit, hold, or enjoy any House, Tenement, Shop, Warehouse, or other Building, or the Occupier of the Ground Floor of any House or Building that shall be lett in Tenements, within the said Parish, for and towards the raising the full Sum of Money by them judged necessary to be charged upon the said Parish; which said Rate or Assessment so to be made, being first allowed and confirmed by Two or more Justices of the Peace of the said City of Westminster and the Liberties thereof, and all Arrears due upon the same, shall be collected quarterly from the said Inhabitants and Occupiers of each respective House, Tenement, Shop, Warehouse, or other Building within the said Parish, by such Person or Persons as shall be appointed by the said Vestry to collect and receive the same; which Collector or Collectors the Vestry at their Meetings appointed by this Act are hereby authorized and impowered to nominate and appoint. And in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them respectively, it shall and may be lawful to and for such Collector or Collectors by Warrant under the Hands and Seals of Two such Justices of the Peace to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendring the Overplus (if any be) the reasonable Charge of making such Distress and Sale being first deducted; and for want of such Distress by like Warrant to commit the Party so neglecting or refusing (not being a Peer or Peeress of this Realm) to the common Gaol, until Payment thereof.

The Assessment on Ambassadors, &c. Houses, to be paid by the Landlords.

V. Provided always, and be it enacted, That every Rate, Tax, or Assessment, which shall be made or imposed by virtue of this Act, for or in respect of any House or Tenement, which any Ambassador, Resident, Agent, or other publick Minister of any Foreign Prince or State now doth, or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of such House or Tenement, who shall be subject to the Payment thereof in like Manner, as if he, she, or they, had been the Occupier or Occupiers thereof.

Persons aggrieved may appeal to the next General Quarter Sessions, whose Order to be final.

VI. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon an Appeal to the next General Quarter Sessions of the Peace to be held for the said City and Liberties of Westminster, it shall and may be lawful for the Justices of the Peace, or the greater Number of them assembled, to make such Order therein as to them shall seem meet; which said Order shall be final, and conclude all Parties.

The Assessment not to exceed 6 *d. per* Pound.

VII. Provided also, and be it enacted, That no such Assessment or Assessments, to be made in any One Year, shall exceed the Rate of Six Pence in the Pound of the yearly Value of any Houses, Tenements, Shops, Warehouses, or other Buildings so assessed and charged by virtue of this Act.

No Person paying the said Assessment, or chosen a Bedel or Watchman, to gain thereby a Settlement in the Parish.

VIII. Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons, who shall be charged in, or pay to, any Rate or Assessment to be made by virtue or in pursuance of this Act, or being chosen a Bedel or Watchman, shall be deemed or construed thereby to gain any Settlement in the said Parish. And that no Person being a menial or hired Servant shall be capable of being chosen a Bedel or Watchman during the Time of his being such Servant; and if any Person being chosen a Bedel or Watchman, and afterwards returns to be a menial or hired Servant, such Person shall be incapable of serving the said Parish as a Bedel or Watchman.

No hired Servant capable of being chosen a Bedel or Watchman.

Collectors of the Assessment to account to the Vestry on 26 *July*, yearly,

IX. And be it further enacted by the Authority aforesaid, That all and every Person or Persons, who shall be appointed by the said Vestry to collect and receive the Monies due upon the said Assessment within the said Parish, or the several Wards thereof, shall from time to time pay over the Monies arising from the same to such Person or Persons, as the said Vestry shall appoint, and shall upon the Twenty sixth Day of July, One thousand seven hundred and thirty seven, and so yearly (unless the same shall be Sunday and then upon the Twenty seventh Day of July) or oftner if required, make and yield up to the said Vestry a true and perfect Account of all Sums of Money by them received and paid, and also pay and deliver into the Hands of such other Persons, whom the said Vestry shall appoint to receive the same, all such Sums of Money as shall remain in his or their Hands; which said Sums so remaining in his or their Hands, and all Monies whatsoever by them collected or received by virtue of this Act, it is hereby declared, shall be applied and applicable to the defraying the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise. And if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful, upon Complaint made of the same to Two or more Justices of the Peace of the said City and Liberties by One of the Churchwardens of the said Parish, and Proof thereof on the Oath of One or more credible Witness or Witnesses (which Oath the said Justices are hereby authorized and impowered to administer) by Warrant under their Hands and Seals to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid so much as upon the said Account shall be remaining in his or their Hands.

or oftner, if required,

on pain of Imprisonment.

Deficient or Surplus Monies to be carried over to the next Year's Rate.

X. Provided also, and be it further enacted, That in case there shall be any Deficiency in any One Year's Rate or Assessment, so to be made as aforesaid, either by Houses, Tenements, Shops, Warehouses, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates and Assessments are respectively charged, so that the Wages or Allowances to Watchmen and Bedels and other Charges cannot be fully satisfied, paid, and discharged in that Year; then and in any such Case the Deficiency so happening in the said Parish shall be carried to the next succeeding Year's Rate, and shall be made good thereout; and if there shall happen to be any Surplus Money collected by such Rates and Assessments as aforesaid in the said Parish in any One Year, such Surplus shall be carried on to the nert Year's Credit of such Rate, and shall be applied for such Uses and in such Manner, as the Rates and Assessments therein collected are by this Act directed to be laid out and applied.

Yearly Accounts of Receipts and Disbursements to be adjusted and signed at a Vestry by 20 *Aug.*

and lodged with the Vestry Clerk.

XI. And be it further enacted by the Authority aforesaid, That an Account of the total Sums assessed, collected, and received within the said Parish, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the Twentieth Day of August, One thousand seven hundred and thirty seven, and so yearly, shall be examined, adjusted, and signed at a Meeting of the Vestry, duly assembled within the said Parish; which said Book and Account shall be lodged in the Hands of the Vestry Clerk, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of the said Parish, who shall desire the same, without Fee or Reward.

Persons paying the said Rates discharged from the Watch or Ward appointed by the Statute of *Winchester*.

XII. Provided, and it is hereby enacted and declared, That no Person or Persons, who shall be rated and pay to any Rate or Rates to be made in pursuance of this Act, shall be liable to any Watch or Ward by virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statute relating thereto, but shall be and are hereby discharged of and from the same.

Limitation of Actions.

General Issue.

XIII. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, that then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Treble Costs.

XIV. And

XIV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges and Justices and other Persons whatsoever, without specially pleading the same. Publick Act.

CAP. XX.

An Act for the better enlightening of the Streets of the City of *London*.

WHEREAS it hath been found by Experience, that many and frequent Murders, Robberies, Burglaries, Felonies, and other Crimes of a heinous Nature, have been and are frequently committed in the Streets, Lanes, and Passages of the City of *London* and the Liberties thereof in the Night Season; the Commission of which Crimes has in a great Measure been owing to the insufficient Manner in which the Streets, Lanes, Passages, and Courts of the said City, have for some years past been, and at this present Time are, lighted by the Proprietors of the Convex Lights: And whereas the Citizens of *London* are desirous to have the open Places, Streets, Lanes, Passages, and Courts thereof, enlightened in a better and more effectual Manner, as well for their own as for the common Safety and Benefit of all other Persons whose Affairs oblige them to pass and repass through the same; and in order to effect so good a Work the said Citizens have consented and agreed to raise the Money necessary for that Purpose by a reasonable Tax and Assessment on the Inhabitants of the said City, in such Manner as herein after is expressed: But forasmuch as the same cannot be effectually done but by the Aid and Assistance of an Act of Parliament; may it please Your Majesty (at the humble Petition and Desire of the Mayor, Aldermen, and Commonalty of the City of London, in Common Council assembled) that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That such a convenient and sufficient Number of Glass Lamps, of such Sort and Fashion, and put up in such Parts and Places of the said City of London, and the Liberties thereof, as to the Mayor, Aldermen, and Commonalty of the said City, in Common Council assembled, shall seem meet and expedient, shall be with all convenient Speed erected and fixed to or near any House or Building, Place or Places whatsoever within the said City or Liberties thereof, and the same shall be kept lighted and burning from Sun-setting to Sun-rising throughout the Year. Glass Lamps to be put up in *London*, according to the Directions of the Lord Mayor, &c. and kept lighted from Sun-setting to Sun-rising.

II. And for defraying the first Expence of buying and erecting of such Lamps or Lights, and also the yearly Charges of supplying, maintaining, and repairing the same, the following Rates and Assessments shall be laid and raised on the several Inhabitants of the said City and the Liberties thereof, annually and each Year, from and after the Twenty fifth Day of March, One thousand seven hundred and thirty six; that is to say,

For each and every House, the Rent whereof is under Ten pounds *per Annum*, and the Inhabitant whereof is charged to the Church and Poor, any Sum not exceeding Seven shillings *per Annum*. Yearly Rates.

For each and every House of the yearly Rent of Ten pounds or upwards, and under Twenty pounds, any Sum not exceeding Twelve shillings *per Annum*.

For each and every House of the yearly Rent of Twenty pounds or upwards, and under Thirty pounds, any Sum not exceeding Fourteen shillings *per Annum*.

For each and every House of the yearly Rent of Thirty pounds or upwards, and under Forty pounds, any Sum not exceeding Sixteen shillings *per Annum*.

And for each and every House of the yearly Rent of Forty pounds or upwards, any Sum not exceeding Twenty shillings *per Annum*.

III. And forasmuch as it is reasonable that all publick Buildings (Hospitals excepted) should be taxed and assessed in a due Proportion towards the better lighting the said City and the Liberties thereof; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Alderman of the Ward of Castle Baynard, with the Advice and Consent of his Deputy and Common Councilmen, or the Majority of them, at his and their Discretions, and they are hereby required yearly and every Year, to tax and assess the Cathedral Church of Saint Paul; and also for the Alderman of each respective Ward where such other publick Buildings respectively do stand, and are situate, by and with the Advice and Consent of his Deputy and Common Councilmen, or the Majority of them, at his and their Discretions, and they are hereby required yearly and every Year, to tax and assess all Parish Churches, Church-yards, Chapels, Meeting-houses, Schools, Halls, Markets, Ware-houses, and all other publick Buildings whatsoever, situate, standing, and being within their respective Wards, towards the erecting, supplying, maintaining, and repairing the Lights aforesaid, Regard being by them always had to the Number of Lamps which shall be found necessary for the lighting the same. St. *Paul's* Cathedral, and all other publick Buildings, to be yearly assessed.

IV. And it is hereby enacted by the Authority aforesaid, That the Dean and Chapter of the Cathedral Church of Saint Paul for the time being, and all and every the respective Church-wardens and Chapel-wardens of the several Parish Churches and Chapels, and the respective head Officers, Masters, Wardens, and Governors of all Meeting-houses, publick Halls, Schools, and the Occupiers or Proprietors of all other publick Buildings and Places, within the said City and Liberties thereof respectively, fronting or adjoining to any of the said publick Streets, Lanes, publick Places, and Passages of the said City and Liberties thereof, and the Farmers or Occupiers of all and every the Markets within the City and Liberties thereof, shall and they respectively are hereby charged with and required to pay the respective Rates and Assessments, which shall from time to time be so rated and assessed upon the said respective Buildings and Places pursuant to this Act. By whom those Assessments shall be paid.

V. Provided always, and it is hereby declared, That if the said Dean and Chapter of Saint Paul shall at their own Cost and Charge, cause the Fence round the said Cathedral Church to be duly lighted with Lamps of the same Sort, and at and for the same Time, and in a proportionable Number, and from time to time keep the said Fence so lighted in the same Manner as by this Act ought to be done in the other Parts of Saint Paul's Church Yard (which the Court of Lord Mayor and Aldermen from time to time are hereby impowered to determine) On what Condition the Dean and Chapter of St. *Paul* to be excused.

mine) that then and so long as they continue to light the said Fence as is hereby directed, no Rate or Assessment shall be laid on the said Cathedral Church by Virtue of the Powers hereby granted, any Thing in this Act contained to the contrary in any wise notwithstanding.

The Decision of the Lord Mayor and Aldermen, on Appeals, to be final.

VI. Provided always, and it is hereby declared, That in case any Person or Persons shall think him, her, or themselves aggrieved by such Tax and Assessment as aforesaid, it shall and may be lawful for them respectively, within the Space of Twenty Days after such Tax or Assessment shall be laid, to appeal to the Court of Lord Mayor and Aldermen, whose Decision shall be final and conclusive.

VII. And whereas there are several Pieces of void Ground and spacious Places belonging to the said City, lying within the same, or Liberties thereof, where no Inhabitants are or can be properly chargeable as aforesaid, and which nevertheless ought to be well and sufficiently lighted; be it further enacted by the Authority aforesaid, That the Chamberlain of the said City of London, for the time being, shall at the Cost and Charges of the said City pay such Taxes and Assessments as shall be laid and rated for the due lighting of such void Grounds and Places, where no Inhabitants are or can be properly charged, according to the Discretion of the Alderman, Deputy, and Majority of the Common Councilmen of each Ward, within which such void Grounds and Places are situate and comprised as aforesaid, regard being by them always had to the Number of Lamps necessary for the due lighting of the same; and in case the said Chamberlain shall think the said City aggrieved by such Tax or Assessment, he shall and may in Behalf of the said City within the Space of Twenty Days after such Tax or Assessment shall be laid, appeal to the Court of Lord Mayor and Aldermen as aforesaid, whose Determination shall be final.

The City Chamberlain to pay for void Grounds, and appeal to the Lord Mayor, &c.

VIII. And to the End that the several Rates and Assessments herein before mentioned may be fully and compleatly raised and paid for the Purposes aforesaid without Expence, Fee, or Reward, be it further enacted by the Authority aforesaid, That it shall and may be lawful for each Alderman in his Ward, by and with the Advice and Consent of his Deputy, and Common Councilmen, or the Majority of them, immediately to nominate, elect, and impower Two or more substantial and responsible Inhabitants of and belonging to each Ward, to ask, collect, and receive the several Rates or Assessments herein before granted, and made payable by each Inhabitant of such Ward as aforesaid, which Collectors shall continue in that Office until new ones shall be chosen in the Wardmote, which shall be held for the Choice of other Ward Officers on or near Saint Thomas's Day next ensuing such Nomination and Appointment; at which Time the said Collectors first chosen shall and they are hereby required to bring in their Accounts to the Alderman of the said Ward at the Wardmote, in which they shall specify and express the several Sums of Money by them received, and give in a List of such Persons as shall have neglected or refused to pay the Rates and Assessments so laid on them as aforesaid, that the same may be recovered and levied in such Manner as is herein after mentioned.

The Alderman of the Ward, &c. to appoint Collectors.

Collectors when and how to account.

IX. And to the Intent that there may never be wanting a sufficient Number of Persons duly qualified to collect the Rates and Assessments hereby granted and made payable, be it further enacted by the Authority aforesaid, That the Deputy and Common Councilmen of each Ward shall at each Wardmote, to be held upon or near Saint Thomas's Day for the Choice of Ward Officers, return the Names and Places of Abode of Six or more substantial Inhabitants of each Ward, out of which Two or more (according to the Extent of the Ward) shall be chosen and appointed at the said Wardmote to be Collectors for the Year ensuing, and be there sworn to the true and faithful Execution of their Office before the presiding Officer at the Wardmote, who is hereby impowered to administer the said Oath; and in case any Person or Persons so chosen shall neglect or refuse to take upon him or them the said Office, or duly to execute the same according to the true Intent and Meaning of this Act, he or they shall respectively forfeit and pay the Sum of Ten Pounds, and still continue liable to be chosen into the said Office again the Year following; and in case of his or their Refusal, shall be again liable to the like Penalty, and so toties quoties.

The Deputy and Common Councilmen to return Six Inhabitants, out of which the Collectors are to be chosen.

10 *l.* Penalty on Collectors refusing to act.

X. And to the Intent that responsible Persons may be chosen and appointed Collectors in each Ward, be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers, of the said Rates and Assessments, shall imbezile, make away with, detain, or misapply any Sum or Sums of Money, so collected by him or them for the Uses aforesaid, the same shall be again rated and laid on the Inhabitants of each Ward, and collected and levied by a Reassessment on all the Inhabitants, in Proportion to what they had or ought to have paid.

A Reassessment to be made, in case of Imbezilement.

XI. And it is hereby further enacted by the Authority aforesaid, That in case any Inhabitant of the said City of London, or any other Person or Persons hereby intended to be charged and rated towards defraying the Expence of lighting the said City as aforesaid, shall neglect or refuse to pay and discharge such Rates and Assessments, as he, she, or they shall be charged with, according to the true Intent and Meaning of this Act, after such Rates and Assessments shall respectively be demanded, that then and so often it shall and may be lawful to and for the said Collector or Collectors, Receiver or Receivers, and every or any of them, by Warrant obtained under the Hand and Seal of the Lord Mayor of the said City for the time being, or of the Alderman of the Ward where such Person or Persons so neglecting or refusing to pay shall inhabit or be chargeable (which Warrant the said Lord Mayor or such Alderman is hereby authorized and required to grant) to take and distrain the Goods and Chattels of such Person or Persons so neglecting or refusing, and the same to sell, rendering the Overplus, if any such shall be, after having deducted the reasonable Charges of such Distress, to the Owner of such Goods and Chattels demanding the same.

Distress on Nonpayment.

Who to grant the Warrant for Distress.

XII. And be it further enacted by the Authority aforesaid, That every Collector or Collectors of the Rates and Assessments aforesaid shall collect the same half yearly, and pay the Money into the Chamber of the City of London, as he or they shall receive the same, in such Manner that such Collector or Collectors shall never have a Sum exceeding Fifty Pounds so collected at one Time in his or their Hands by the Space of Ten Days: And if such Collector or Collectors shall keep and retain in his and their Hands more than the said Sum of Fifty Pounds longer than Ten Days, he and they shall respectively forfeit the Sum of Five Pounds

Assessment to be collected Half yearly.

Pounds for every such Offence (which said Penalty shall be recovered and levied as any other Penalty is hereby directed to be recovered and levied) and on Payment of every such Sum of Money into the Chamber of the City of London such Collector or Collectors shall take a Receipt for the same from the said Chamberlain or one of his Clerks, in which Receipt shall be specified and expressed the Name of such Collector and Collectors, the Sum paid, and the Name of the Ward wherein the Money hath been collected; and the Chamberlain of the said City of London for the time being, or such of his Clerks as shall be by him for that Purpose appointed, shall be obliged, and he and they is and are hereby required, to give such Receipt without Fee or Reward; and such Receipts shall by the Collector and Collectors be produced to the Alderman of the Ward at the Time he settles and adjusts his yearly Account; and shall by the said Alderman be taken and allowed as a full and sufficient Discharge for all and every such Sum and Sums of Money such Collectors or Receivers shall have received and paid into the Chamber of the City of London as aforesaid.

The Form of the Chamberlain's Receipts.

XIII. And to the End that the Payment of the said Rates and Assessments for the Purposes aforesaid may the more effectually be enforced, be it further enacted by the Authority aforesaid, That every Freeman of London liable to pay the said Rates and Assessments, who shall have neglected or refused to pay the said Rates and Assessments to the Person or Persons authorized and impowered to collect and receive the same, or shall have desired to be excused from paying such Rates and Assessments, shall be under the same Incapacity of voting at Elections within the said City of London, as any Person or Persons now is or are, who do not pay their Scot or Lot to the several yearly Rates and Taxes, to which the Citizens of London are at this Time or shall hereafter become liable.

Freemen not paying the said Assessments, incapacitated from voting at Elections.

XIV. And to the Intent that no Monopoly in lighting the said City and Liberties thereof be for the time to come attempted, whereby the Expence thereof will be greatly enhanced, and the Work not sufficiently performed; be it enacted by the Authority aforesaid, That each Alderman, by and with the Advice and Consent of his Deputy and the Majority of his Common Councilmen, shall and may, and he is hereby required, authorized, and impowered to contract and agree for the Number of Lamps necessary to be erected and set up in and for his Ward, and the Charge thereof, on Posts or Irons, as he shall think best to order, and shall be most effectual for the Purposes hereby intended; and also that each such Alderman, with such Advice and Consent as aforesaid, shall and may contract with any Person or Persons for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing such Number of Lamps as shall be necessary for his Ward; provided nevertheless, that such Contract be made for the Space of One whole Year and no longer at one Time, and shall not exceed such Sum for each Lamp, as shall be directed and ordered by the Mayor, Aldermen, and Commons in Common Council assembled, in case they shall think fit to settle and direct the same.

The Alderman of each Ward, &c. to contract for setting up, and trimming the Lamps for One Year;

but such Contract not to exceed the Sum appointed by the Mayor, &c.

XV. Provided always, and it is further enacted by the Authority aforesaid, That no Alderman, Deputy, or Common Councilman, during his Continuance in such Office, or any Person or Persons in Trust for him, them, or any of them, shall be concerned or interested in any Contract or otherwise, for lighting the said City or any Part thereof, or for providing and fixing any of the said Lamps, Posts, or Irons, or other Materials necessary thereto.

No Alderman, &c. to be interested in such Contracts.

XVI. And be it further enacted by the Authority aforesaid, That the Chamberlain of the said City of London for the time being shall and may and he is hereby authorized and required to pay all and singular the Orders or Draughts on him to be made by the Alderman of each Ward, with the Advice of his Deputy, and the Majority of the Common Councilmen of each such Ward respectively, in discharge of such Contract or Contracts they shall or may respectively enter into, as well for providing and erecting, as for lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing the Lamps within each and singular the Wards of the said City. And also, that he the said Chamberlain for the time being shall and he is hereby required to keep regular and clear Entries, in a Book to be for that Purpose by him provided, of all and singular the Receipts and Payments he shall make on the Account of lighting the said City as aforesaid, distinguishing each Ward under distinct Heads; to which Book every Citizen of London shall and may have free Access in Office Hours, and shall be permitted to inspect the same without Fee or Reward; and also that the Chamberlain for the time being shall have the said Account audited and passed in the same Manner, and by the same Persons, who are now appointed, or shall be appointed, to audite the Accounts of the Chamberlain of the said City of London.

The Chamberlain to pay all Draughts made on him by the Alderman of the Ward, &c.

and enter them distinctly in a Book,

to be inspected without Fee.

XVII. And whereas several evil disposed Persons have broken, and may wilfully and maliciously break and destroy the Lamps hung out in the Streets of this City; now to prevent the like malicious Practices for the future, be it further enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the Twenty ninth Day of September, One thousand seven hundred and thirty six, wilfully or maliciously break, throw down, or extinguish any Lamp that is or shall be hung out, or set up to light the Streets, or wilfully damage the Posts, Irons, or other Furniture thereof, every Person so offending therein, and being thereof convicted by the Oath of one or more Witness or Witnesses before any One or more Justice or Justices of the Peace for the City of London, shall for the First Offence forfeit the Sum of Forty Shillings for each Lamp so broken, thrown down, extinguished, or otherwise damaged, and for the Second Offence the Sum of Fifty Shillings, and for the Third Offence the Sum of Three Pounds, to be recovered and levied in such Manner as in this Act is mentioned.

Penalty on maliciously breaking or extinguishing the Lamps.

XVIII. And whereas it is impossible to ascertain the exact Expence, which may accrue to the said City of *London*, in providing, supplying, and maintaining such Lights as aforesaid, as well from the Alteration in the Price of Oil and other Materials, as from other unforeseen Accidents and Casualties, which may happen; be it therefore further enacted, That if at the Expiration of Seven Years it shall be found that any Surplus shall have arisen from the Money collected by virtue of this Act, over and above what shall have been issued and applied in pursuance hereof, for the finding, supplying, and maintaining such Lights as aforesaid, such Surplus Money shall remain in the Chamber of the said City of London, to be applied either in Aid of the Orphans Fund, or in Abatement

Surplus Monies after 7 Years how to be disposed of.

Abatement or Diminution of future Aſſeſſments for the Purpoſes of this Act, or to be otherwiſe diſpoſed of to or for the Uſe and Benefit of the Citizens of London, as they by any Act of Common Council ſhall direct and appoint.

How and when the Aſſeſſments are to be made.

XIX. And it is hereby further enacted, That the Mayor, Aldermen, and Commons, in Common Council aſſembled, ſhall and they are hereby impowered and required at a Court of Common Council to be held, as ſoon as conveniently may be after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, to order and appoint a Rate and Aſſeſſment to be made purſuant to the Powers hereby granted and given, to commence on the Twenty fifth Day of March preceding, and to continue till the Twenty fifth Day of December following; and that the ſaid Mayor, Aldermen, and Commons, in Common Council aſſembled, ſhall yearly and every Year between the Firſt Day of January and the laſt Day of February order and direct what Rates and Aſſeſſments ſhall be made on the Inhabitants for the Purpoſes aforeſaid, which Aſſeſſment ſhall be for One whole Year, commencing the Twenty fifth Day of December preceding the ſaid Order.

5 *l.* Penalty on Collectors refuſing to account at the Wardmote on or near St *Thomas*'s Day.

XX. And be it further enacted by the Authority aforeſaid, That if any Collector or Collectors ſhall neglect or refuſe to bring in his and their Accounts to the Alderman of the Ward at the Wardmote held on or near Saint Thomas's Day, he or they ſhall reſpectively forfeit the Sum of Five Pounds, and in like Manner the ſame Sum of Five Pounds for every Twenty Days he or they detain the ſaid Account to be recovered and levied by ſuch Ways and Means as herein after in this Act is mentioned.

Warrants of Diſtreſs how and by whom to be granted.

XXI. And to prevent as much as may be any Deficiency happening in the collecting the Rates and Aſſeſſments aforeſaid, be it further enacted, That the Collector or Collectors of all and every the Wards of the ſaid City ſhall and he and they are hereby required in caſes of Refuſal or Nonpayment of the ſeveral Rates and Aſſeſſments aforeſaid within Thirty Days after the reſpective Rates and Aſſeſſments ſhall become due, to apply to the Lord Mayor for the time being, or to the Alderman of the reſpective Wards where ſuch Refuſal or Non-payment ſhall happen, for a Warrant to diſtrain for the ſaid Rate and Aſſeſſment, and ſhall take care to execute or cauſe the ſame to be duly executed.

The Manner of determining and levying pecuniary Penalties.

XXII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Lord Mayor for the time being, or any Two or more Juſtices of the Peace for the City of London, to hear and determine any of the Offences which are made ſubject to and puniſhable by any pecuniary Penalties directed to be levied by this Act; and ſuch Juſtices of the Peace are hereby authorized and required upon any Informations exhibited or Complaint made in that Behalf within Ten Days after ſuch Offence committed, to ſummon the Party or Parties accuſed, and the Witneſſes on either Side, and after Oath of the Commiſſion of any of the Facts above mentioned by One or more credible Witneſs or Witneſſes to iſſue a Warrant or Warrants for apprehending the Party offending in the ſaid City of London, and upon the Appearance or Contempt of the Party accuſed in not appearing, upon the Proof of Notice given, to proceed to the Examination of the Witneſs or Witneſſes on Oath (which Oath they are hereby authorized, impowered, and required to adminiſter) to give ſuch Judgement, Sentence, or Determination, as ſhall be juſt and conformable to the Tenor and true Meaning of this Act. And where the Party accuſed ſhall be convicted of ſuch Offence, either by View of the ſaid Juſtices, or any of them; or upon ſuch Information as aforeſaid, or on Confeſſion of the Party accuſed, it ſhall and may be lawful for ſuch Juſtices to iſſue Warrant or Warrants for the levying the pecuniary Penalties and Forfeitures ſo adjudged on the Goods and Chattels of the Offender, and to cauſe Sale to be made thereof, in caſe they ſhall not be redeemed in Five Days, rendring to the Party the Overplus, if any there be; and in caſe any Perſon or Perſons ſhall be convicted in purſuance of this Act of breaking, throwing down, or extinguiſhing any Lamp to be hung or ſet up as aforeſaid, and no Goods or Chattels of any Perſon ſo offending can at the time of ſuch Conviction be found, then and in ſuch caſe it ſhall and may be lawful to and for the Juſtice or Juſtices of the Peace, before whom ſuch Perſon or Perſons ſhall be convicted as aforeſaid, to commit ſuch Offender to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Months, or until ſuch pecuniary Penalty or Penalties ſhall be paid.

Power of mitigating the ſaid Penalties.

XXIII. Provided nevertheleſs, That it ſhall and may be lawful to and for ſuch Juſtices of the Peace from time to time, where they ſee cauſe, to mitigate, compound, or leſſen any of the ſaid Forfeitures or Penalties, as they in their Diſcretion ſhall think fit, ſo as ſuch Mitigation do not extend to remit above one Moiety of the Penalties inflicted and directed to be levied by this Act; and every ſuch Mitigation ſhall be a ſufficient Diſcharge to the Perſons offending reſpectively, for ſo much of the ſaid Penalties and Forfeitures as ſhall be ſo leſſened, mitigated, or remitted.

Quarter Seſſions finally to determine Appeals.

XXIV. Provided alſo, That if any Perſon or Perſons ſhall find him, her, or themſelves aggrieved, or remain unſatisfied in the Judgement of the ſaid Juſtices, then ſuch Perſon or Perſons ſhall and may by virtue of this Act complain or appeal to the Juſtices of the Peace at the next Quarter Seſſions to be held for the ſaid City of London, who are hereby impowered to ſummon and examine Witneſſes upon Oath, and finally to hear and determine the ſame; and in caſe of Conviction to iſſue Warrant or Warrants for levying and compelling by ſuch Means as aforeſaid the Payment of the ſaid Penalties and Forfeitures.

Penalties how to be applied.

XXV. And it is hereby further enacted by the Authority aforeſaid, That all the Penalties to be levied by virtue of this Act ſhall be paid and applied in Manner following; that is to ſay, one Moiety thereof to the Perſon or Perſons who ſhall inform and proſecute for the ſame, and the other Moiety to the Alderman of the Ward where ſuch Offence ſhall be committed, to be by him paid over into the Chamber of London, to be accounted for and applied as part of the Fund for providing and maintaining ſuch Lights within the ſaid City as aforeſaid.

Limitation of Action.

XXVI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any thing done in purſuance of this

Act, that in every such Case the Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in London, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, Not guilty, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant and Defendants shall and may recover treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in any other Cases by Law. General Issue. Treble Costs.

XXVII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

CAP. XXI.

An Act for repairing the Highways from *Sunning Lane End* next *Twyford*, to the *Old Bear Inn* in *Reading* in the County of *Berks*.

WHEREAS by an Act of Parliament made and passed in the Fourth Year of the Reign of his late Majesty King *George*, intituled, *An Act for repairing the Highways from* Maidenhead Bridge *to* Sunning Lane End *next to* Twyford *in the Road to* Reading, *and from the said Bridge to* Henley Bridge *in the County of* Berks, several Tolls and Duties were granted and made payable for repairing the said Highways, which Act was to commence on the Twenty fifth Day of *March*, One thousand seven hundred and eighteen, and from thence to continue in Force for the Term of One and twenty Years; and was (by another Act of Parliament made and passed in the First Year of the Reign of His present Majesty) enacted (except as to what is therein altered) to be in full Force and Effect, and to continue from and after the Expiration of the said Term of One and twenty Years, for and during the further Term of One and twenty Years, and from thence to the End of the next Session of Parliament; and great Sums of Money have been accordingly laid out and expended in repairing the said Highways: And whereas the Highways from *Sunning Lane End* aforesaid, to the *Old Bear Inn* in *Reading* aforesaid, are become very ruinous, by means of the many and heavy Loads and Carriages which continually pass and repass the same, and cannot be effectually repaired without further Provision by Parliament: And whereas the said first mentioned Highways are so far repaired, that part of the said Tolls and Duties may be well applied towards repairing and amending the said last mentioned Highways, the same being in Length only between Three and Four Miles, *&c.* Preamble, reciting the Act 4 *Geor.* I. not printed.

CAP. XXII.

An Act for rebuilding the Parish Church of *Gainsburgh* in the County of *Lincoln*.

WHEREAS the Body of the Parish Church of *Gainsburgh* in the County of *Lincoln* is much decayed and in a ruinous Condition; and the Walls, Arches, and Pillars thereof are so shaken and declined from their proper Positions, that the said Church is in the Opinion of judicious Workmen incapable of being repaired; but as the Expence of taking down and new erecting thereof will be too heavy upon many of the Parishioners, unless a Fund be established for raising the same by small Payments, from an annual Tax or Duty, *&c.* Preamble.

CAP. XXIII.

An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof.

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WHEREAS the drinking of Spirituous Liquors or Strong Waters is become very common, especially amongst the People of lower and inferior Rank, the constant and excessive Use whereof tends greatly to the Destruction of their Healths, rendring them unfit for useful Labour and Business, debauching their Morals, and inciting them to perpetrate all Manner of Vices; and the ill Consequences of the excessive Use of such Liquors are not confined to the present Generation, but extend to future Ages, and tend to the Devastation and Ruin of this Kingdom: For Remedy whereof may it please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of September, in the Year of our Lord One thousand seven hundred and thirty six, no Person or Persons whatsoever shall presume, by him, her, or themselves, or by any other Person or Persons whatsoever employed by him, her, or them, or for his, her, or their Benefit, to sell or retale any Brandy, Rum, Arrack, Usquebaugh, Geneva, Aqua Vitæ, or any other distilled Spirituous Liquors, or Strong Waters, unmixed, or mixed with themselves or any other Ingredients, and by whatsoever Name or Names they are or may be called, publickly or privately, in any less Quantity than Two Gallons, without first taking out a Licence for that Purpose, as is herein after directed, within Ten Days at least before he, she, or they shall sell, or offer to sell, or retale the same, for which he, she, or they shall immediately upon taking out thereof pay down for the same the Sum of Fifty Pounds in Manner following; that is to say, If such Licence be taken out within the Limits of the Peny Post, then the same shall be paid at the Chief Office of Excise in London, or at any other Place, and to such Persons, as His Majesty's Commissioners for the Duties of Excise for the time being shall appoint to receive the same; and that such Persons as by the said Commissioners shall be appointed, are hereby impowered to deliver such Licences to any such Person or Persons upon his, her, or their paying down for the same the aforesaid Sum of Fifty Pounds at the Time of taking out thereof; but if such Licence shall be taken out without the Limits aforesaid, then the same shall be paid by all and every the Persons so taking out such Licence at the Office of Excise next adjoining to the Place where he, she, or they respectively reside or inhabit, or at any other Place, and to such Persons, as His Majesty's Commissioners for the Duties of Excise Preamble.

After 29 *Sept.* 1736, no Person to retale distilled Spirituous Liquors of any Sort,

in less Quantity than Two Gallons,

without paying down 50 *l.* for a Licence, at the Excise Office in *London*, if in the Limits of the Peny Post;

if without those Limits, at the Excise Office next adjoining to the Person's Place of Residence,

Excise for the time being shall appoint to receive the same; and such Persons as by the said Commissioners shall be appointed, are hereby impowered to deliver such Licences to any such Person or Persons, upon his, her, or their paying down for the same the aforesaid Sum of Fifty Pounds at the Time of taking out thereof.

The like Sum to be paid on renewing the Licence every Year, 10 Days before the Expiration of the old one.

II. And be it further enacted by the Authority aforesaid, That every Person or Persons, that shall take out such Licence as aforesaid, is and are hereby required to take out a fresh Licence Ten Days at least before the Expiration of Twelve Months after the taking out of the first Licence, before he, she, or they do presume or offer to sell any such Spirituous Liquors in any less Quantity than Two Gallons, and in the same Manner to renew such Licence from Year to Year, paying down the like Sum of Fifty Pounds for each and every new or renewed Licence, at the Places, and at the Times before mentioned; and if any Person or Persons shall presume or offer to sell or retale any of the said Spirituous Liquors in any less Quantity than aforesaid, without taking out such Licence, and renewing the same yearly, as in Manner aforesaid, he, she, or they shall respectively forfeit and lose the Sum of One hundred Pounds for each Offence.

100 *l.* Penalty on retailing without such Licence, and Renewal.

20*s. per* Gallon on all Spirituous Liquors retaled after 29 *Sept.* 1736, to be paid by the Retalers.

III. And be it further enacted by the Authority aforesaid, That for all such Spirituous Liquors or Strong Waters, by whatever Name or Names they are or may be called, as any Person or Persons retaling them, or any of them, in any less Quantity than aforesaid, or any Person or Persons in Trust for him, her, or them, or for his, her, or their Use or Benefit, shall be possessed of, or interested in, upon the said Twenty ninth Day of September, One thousand seven hundred and thirty six, or at any Time after, there shall be raised and paid unto Your Majesty, Your Heirs, and Successors, a Duty after the Rate of Twenty Shillings for every Gallon thereof, and in that Proportion for a greater or lesser Quantity, to be paid by the respective Retalers thereof, over and above all other Duties charged and chargeable on the same.

Such Liquors retaled in *England*, &c. to be under the Management of the Commissioners of Excise.

Those in *Scotland*, under the Commissioners of Excise there.

IV. And for the better ascertaining, charging, collecting, raising, levying, and securing the Rates and Duties by this Act imposed on the said Spirituous Liquors, and preventing Frauds therein, be it further enacted by the Authority aforesaid, That such of the said Rates and Duties by this Act granted, as are charged upon such Spirituous Liquors as shall be retaled in England, Wales, or the Town of Berwick upon Tweed, shall be under the Receipt and Management of the Commissioners and Officers of His Majesty's Revenue of Excise in England for the time being; and such of the said Rates and Duties as are imposed by this Act upon such Spirituous Liquors as shall be retaled in Scotland, shall be under the Receipt and Management of the Commissioners and Officers of the Excise in Scotland for the time being; which said several and respective Commissioners of Excise, or the major Part of them, shall be His Majesty's Commissioners for granting such Licences for retaling such Spirituous Liquors; and the said respective Commissioners of Excise, or the major Part of them, have hereby Power by Commission under their respective Hands and Seals to constitute and appoint under them such Officers as shall be necessary in that Behalf; and all Monies arising by the said Duties and by the Licences for Sale thereof herein before mentioned (the necessary Charges of raising and accounting for the same excepted) shall from time to time be paid into the Receipt of His Majesty's Exchequer distinctly and apart from all other Branches of the publick Revenues, subject and liable to the Uses and Purposes herein after mentioned.

All Monies arising by these Duties and Licences to be paid into the Exchequer, distinctly from all other publick Revenues.

V. And be it further enacted by the Authority aforesaid, That all and every the Powers, Authorities, Directions, Methods, Penalties, Forfeitures, Clauses, Matters, and Things, which in and by an Act made in the Twelfth Year of the Reign of his late Majesty King Charles the Second, intituled, An Act for taking away the Court of Wards and Liveries, and Tenures in *Capite*, and by Knight Service, and Purveyance, and settling a Revenue upon His Majesty in lieu thereof, or by any other Law now in Force relating to His Majesty's Revenue of Excise upon Beer, Ale, and other Liquors, as are provided, settled, or established for managing, raising, levying, collecting, mitigating, or recovering, adjudging, or ascertaining, the Duties thereby granted, or any of them (other than in such Cases for which other Penalties or Provisions are prescribed by this Act) shall be exercised, practised, applied, used, and put in Execution in and for the managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the Duties upon the said Spirituous Liquors by this Act granted, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, Authorities, Rules, Directions, Methods, Penalties, Forfeitures, Clauses, Matters, and Things were particularly repeated and again enacted in the Body of this present Act; and that One Moiety of the Fines, Penalties, and Forfeitures by this Act granted, shall go and be paid to His Majesty, His Heirs, and Successors, and the other Moiety thereof to the Person or Persons who shall inform or sue for the same.

The Act 12 *Car.* II. *for taking away the Court of Wards and Liveries*, &c. and all others relating to the Excise on Ale, *&c.* to be in Force for recovering these Duties.

An Entry in Writing to be made of all Warehouses, *&c.* at the next Office of Excise, 10 Days before retaling such Liquors,

VI. And be it further enacted by the Authority aforesaid, That every Person or Persons, who after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, shall sell or offer to sell or retale any Spirituous Liquors or Strong Waters, by whatever Name or Names they are or may be called, in any less Quantity than Two Gallons, shall, at least Ten Days before he, she, or they shall sell or offer to sell by retale any such Spirituous Liquors or Strong Waters, make a true and particular Entry in Writing of all Warehouses, Storehouses, Shops, Cellars, Vaults, Rooms, or other Places whatsoever, by him, her, or them respectively used, or intended to be used, for the laying, keeping, or retaling any of the said Spirituous Liquors, or Strong Waters, at the next Office of Excise within the Limits wherein such Warehouses, Storehouses, Shops, Cellars, Vaults, or other Rooms or Places shall be situated, and also of all Spirituous Liquors, or Strong Waters, by whatever Name or Names they are or may be called, which at the Time of making such respective Entries, or which at any Time after, shall be in such Warehouses, Storehouses, Shops, Cellars, Vaults, Rooms, and other Places, and every of them respectively, upon Pain of forfeiting the Sum of Twenty Pounds for every such Warehouse, Storehouse, Shop, Cellar, Vault, Room, and other Place, which shall be so made use of by such Retaler, and Forty Shillings for every Gal-

on Penalty of 20 *l.* for each Warehouse, *&c.*

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lon of such Spirituous Liquors or Strong Waters, which shall be concealed, and not entred as herein is directed, together with all the Spirituous Liquors or Strong Waters which shall be found therein, or concealed as aforesaid, and the Casks and other Vessels containing the same. and forfeiting 40*s. per* Gallon, with the Liquor and Casks.

VII. And for the better securing the Duties hereby granted, and preventing any foreign Brandies, Strong Waters, or other Spirits, to be run into this Kingdom, be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, no Brandy, Rum, Arrack, Aqua Vitæ, Usquebaugh, or any other Spirituous Liquors, or Strong Waters, by whatever Name or Names they are or may be called, shall be brought into any such Warehouse, Storehouse, Shop, Cellar, Vault, Room, or other Place made use of by any Retaler of any of the said Spirituous Liquors or Strong Waters, without first giving Notice thereof to the Officer of Excise of the Division or Place where such Warehouse, Storehouse, Shop, Cellar, Vault, Room, or other Place, in which such Spirituous Liquors or Strong Waters as aforesaid, are intended to be lodged, is situated, and producing to the said Officer and leaving with him an authentick Certificate, that the Duties charged or chargeable by any Law now in being upon the said Spirituous Liquors or Strong Waters have been actually paid, or that the same have been condemned as forfeited, or were Part of the Stock of some Retaler of any of the said Spirituous Liquors or Strong Waters, of which an Account had been taken pursuant to this Act, and expressing the Quantity and Quality thereof, the Name of the Seller, and at what Place the said Duties were paid, or the said Liquors condemned as aforesaid, or of whose Stock the same was Part; on Pain of forfeiting the Sum of Twenty Pounds, together with the said Liquors so brought in without such Notice and Certificate as aforesaid, with the Casks and all other Vessels whatsoever containing the same. No Spirituous Liquors to be brought into any Warehouse, *&c.* without Notice to the Excise Officer, and authentick Certificate, that the Duties have been paid, *&c.* on Penalty of 20*l.*

VIII. And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, no Retaler of any such Spirituous Liquors or Strong Waters as aforesaid, shall make any Increase of such Liquors, after the same have been taken an Account of by any Officer or Officers for the said Duties hereby granted, by any private or clandestine Addition thereto of Water, or any other Liquors, on Pain of forfeiting the Sum of Forty Shillings for every Gallon of such Spirits, and Water, or other Liquors mixed as aforesaid; all which Spirituous Liquors so mixed shall and may be seized and taken by the Officers of the said Duties for His Majesty's Use. 40*s. per* Gallon Penalty on increasing Spirituous Liquors, after the Account taken of them by the Officer; and the Liquors forfeited to His Majesty.

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Officers of the Duties by this Act granted, or any of them, from time to time, and at all Times by Day and by Night (but if in the Night-time in the Presence of a Constable or other Officer of the Peace, Oath being first made by any such Officer or other Person before any Justice of the Peace dwelling in or near such Place of a probable Cause of suspecting the Concealment of any such Spirituous Liquors therein) to enter into all and every the said Warehouses, Storehouses, Shops, Cellars, Vaults, Rooms, or other Places made use of by any Retaler of any such Spirituous Liquors or Strong Waters as aforesaid, for keeping the same, and by tasting, gauging, or otherwise, to take an Account of the Quantity or Quality of all such Spirituous Liquors or Strong Waters, as shall at any Time be in their or any of their Custody; and if any such Retaler as aforesaid shall hinder or refuse the said Officer or Officers to enter into his, her, or their Warehouses, Storehouses, Shops, Cellars, Vaults, Rooms, and other Places, or any of them, to take such Account as aforesaid, or shall let, hinder, or obstruct the said Officer or Officers in the Execution of any of the Powers or Authorities by this Act given to him or them, the Person or Persons offending therein shall for every such Offence forfeit and lose the Sum of Fifty Pounds. Officer may enter Warehouses, *&c.* by Day or Night, and taste and gauge the Liquors there found. 50*l.* Penalty on obstructing the Officer in his Duty.

X. And whereas many Persons concerned in Trades, who employ great Numbers of Journeymen, Workmen, Servants, Labourers, and other Artificers, deal in Spirituous Liquors, and retale the same at excessive Rates to Persons working under them; be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, no Licence shall be granted to any Person or Persons whatsoever, for selling by Retale any Spirituous Liquors or Strong Waters whatsoever, except to such Persons only who shall keep publick Victualling-houses, Inns, Coffee-houses, Ale-houses, or Brandy-shops, and use or exercise no other Trade whatsoever; and if such Licences shall be granted, the same are hereby declared void to all Intents and Purposes. Licences to be granted to Persons keeping Victualling-houses, Inns, *&c.* only.

XI. And be it enacted by the Authority aforesaid, That if any Person or Persons shall, from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, agree or contract with any Journeyman, Workman, Servant, Labourer, or other Person employed by or working under him, her, or them respectively, in Manner following; that is to say, If such Master, Mistress, or other Person or Persons, shall agree to pay such Journeyman, Workman, Servant, Labourer, or other Person employed by or working under him, her, or them, or under his, her, or their Direction, so much Money for Wages, and such a Quantity of Spirituous Liquors or Strong Waters, as together with such Money shall amount to the Value of the Wages as shall be ordinarily and usually paid for the Work such Journeyman, Workman, Servant, Labourer, or other Person, shall be employed in, or shall set off, stop, or deduct, all or any Part of the Wages or Hire due to such Journeyman, Workman, Servant, or Labourer, for any Spirituous Liquors or Strong Waters delivered to them by him, her, or them, or any other Person, such Person or Persons, so offending, shall be deemed a Retaler within the Meaning of this Act, and shall, for every Offence, forfeit the Sum of Twenty Pounds over and above all other the Penalties and Forfeitures imposed by this Act; and such Journeyman, Workman, Servant, Labourer, or other Person, shall be intitled to his or her whole Wages, notwithstanding any such Agreement, setting off, stopping, or deducting, and shall have the like Remedy in Law for the same, as if all or any Part of such Wages were not paid. Persons paying any Part of Journeymens Wages in Spirituous Liquors, to be deemed Retalers, and forfeit 20*l.* Journeyman, *&c.* to recover his whole Wages, notwithstanding such Agreement.

Spirituous Liquors may be ſtill uſed in Medicines.

XII. Provided always, That this Act ſhall not extend to any Phyſicians, Apothecaries, Surgeons, or Chymiſts, as to any Spirits or other Spirituous Liquors, which they may uſe in the Preparation or making up of Medicines for Sick, Lame, or Diſtempered Perſons only.

10*l.* Penalty on hawking Spirituous Liquors in the Streets, Fields, &c.

XIII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, no Perſon or Perſons ſhall hawk, ſell, or expoſe to ſale any Brandy, Spirituous Liquors, or Strong Waters, by whatever Name or Names they are or may be called or diſtinguiſhed, about the Streets, Highways, or Fields, in any Wheelbarrow or Basket, or upon the Water in any Ship, Boat, or Veſſel, or in any other Manner whatever, or ſhall ſell or expoſe the ſame to ſale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, other than in ſuch Place or Places as are herein before in this Act mentioned or allowed, upon Pain of forfeiting, for every ſuch Offence, the Sum of Ten Pounds; and it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, or Liberty reſpectively, wherein ſuch Offence ſhall be committed, on his or their own View, or on Confeſſion of the Party, or by Proof on the Oath of One or more credible Witneſs or Witneſſes made of ſuch Offence, to convict any Perſon or Perſons ſo offending as aforeſaid, and ſuch Perſon or Perſons ſo offending and convicted ſhall immediately on ſuch Conviction pay the ſaid Sum of Ten Pounds into the Hands of the Churchwardens and Overſeers of the Poor of the Pariſh where ſuch Offence ſhall be committed, or One of them; and on ſuch Offender or Offenders refuſing or neglecting to pay the ſaid Sum, the Juſtice or Juſtices ſo convicting as aforeſaid ſhall and may by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, commit the Offender or Offenders to the Houſe of Correction for the ſaid County, City, or Liberty reſpectively, there to remain and be kept to hard Labour for the Space of Two Months, to be reckoned from the Day of the ſaid Commitment; and the Perſon or Perſons ſo committed ſhall not be diſcharged until he, ſhe, or they ſhall have paid the ſaid Sum of Ten Pounds, or until the full Expiration of the ſaid Two Months; and every Sum or Sums of Money ariſing from the Conviction of any Perſon or Perſons as aforeſaid, in caſe there be no Informer, ſhall be wholly applied to the Uſe of the Poor of the Pariſh, wherein the Offence was committed, but if there ſhall be an Informer, One Moiety of ſuch Money ſhall be paid to the Informer, and the other Moiety ſhall be paid to the Overſeers and Churchwardens as aforeſaid, or One of them, and applied to the Uſe of the Poor of the Pariſh as aforeſaid.

11 G. 2. c. 24. § 5.
17 G. 2. c. 17. § 16
24 G. 2. 40.

The Offender, on not paying the Penalty, to be ſent to the Houſe of Correction for 2 Months.

10 G. 2. c. 17. § 9.

Retalers of Spirituous Liquors to be licenſed by 2 or more Juſtices.

Fee for ſuch Licence.

XIV. Provided, and it is hereby declared, That nothing in this Act ſhall extend or be conſtrued to enable any Perſon or Perſons to ſell any Spirituous Liquors or Strong Waters by Retale, unleſs ſuch Perſon or Perſons be firſt licenſed by Two or more of His Majeſty's Juſtices of the Peace for the County, Riding, Diviſion, City, or Liberty, wherein ſuch Perſon or Perſons ſhall ſell the ſaid Liquors, under the Hands and Seals of the ſaid Juſtices; for which Licence or Licences the Sum of Two Shillings and Six Pence, and no more, ſhall be paid to the Clerks of ſuch Juſtices, and no Fee or Sum of Money, or other Reward whatſoever, to the Clerk or Clerks of the Peace for entring the ſame, or on any other Account, on Pain of forfeiting Five Pounds, in caſe any of the ſaid Juſtices Clerks or any Clerk of the Peace ſhall aſk, receive, or demand any more or other Fee or Fees on Account of ſuch Licences, under any Pretence whatſoever; and if the Licence is not found and provided by the ſaid Juſtices Clerks, then no Fee whatſoever ſhall be due or received by them.

Any Juſtice may convict a Perſon ſelling Beer, Ale, or Strong Waters, or keeping a diſorderly Houſe, in the following Form.

XV. And be it further enacted by the Authority aforeſaid, That for the more eaſy and expeditious ſuppreſſing the Houſes of ſuch Perſons who ſhall preſume to ſell any Spirituous Liquor, or any Cyder, Ale, Beer, or other Liquors by Retale, without a Licence from Two or more Juſtices of the Peace for that Purpoſe, and of diſorderly Houſes wherein any Perſons ſhall ſell any of the ſaid Liquors by Retale, it ſhall be ſufficient for any Juſtice or Juſtices of the Peace, who ſhall convict any Perſon or Perſons of any or either of the ſaid Offences, to draw up and return ſuch Conviction in either of the following Form of Words, as the Caſe ſhall happen, or in any other Form of Words to the ſame Effect, mutatis mutandis, that is to ſay,

Middleſex, *A. B.* is convicted on his or her own Confeſſion (or on the Oath of) of having ſold Beer, Ale, or Strong Waters in the Pariſh of in this County, on the Day of without being duly licenſed thereto by Two Juſtices of the Peace.

Given under my (or our) Hand and Seal (or Hands and Seals) this Day of

or in caſe of diſorderly Houſes, inſtead of the Words [of having ſold Beer, Ale, or Strong Waters without being duly licenſed thereto by Two Juſtices of the Peace] to uſe the Words following [of keeping a diſorderly Houſe] and if Occaſion requires, to add, that the ſame is the Firſt, Second, or Third Conviction; which ſaid Convictions, in the ſame or like Form of Words, ſhall be good and effectual in Law to all Intents and Purpoſes, and ſhall not be quaſhed, ſet aſide, or adjudged void or inſufficient for want of any other Form or Words whatſoever, ſubject nevertheleſs to an Appeal to the next General Quarter Seſſions of the Peace for the County, Riding, Diviſion, City, or Liberty where ſuch Offence was committed, after ſuch Conviction, by any Party aggrieved thereby.

Perſons giving away Spirituous Liquors to Servants or Apprentices fetching Goods from their Shops, deemed Retalers.

XVI. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, if any Perſon or Perſons, who ſhall vend, ſell, or utter any Wares, Goods, Proviſions, or other Things by Retale, ſhall give away any Spirituous Liquor or Liquors to any Servant or Apprentice coming to his, her, or their Shops or Houſes to buy, fetch, or carry away any ſuch Wares, Goods, Proviſions, or other Things, or under the Pretence of his or her being a Cuſtomer, or under any other Pretence, every ſuch Perſon or Perſons, ſo giving away ſuch Spirituous Liquor or Liquors, ſhall be deemed and taken to be a Retaler or Retalers

of Spirituous Liquors within the Meaning of this Act, and as such shall be subject and liable to the Penalties and Forfeitures imposed by this Act on every Retaler of Spirituous Liquors, offending contrary to the true Intent and Meaning of this Act.

The said Duties made Part of the Aggregate Fund.

XVII. And be it further enacted by the Authority aforesaid, That the Duties and Revenues which shall arise by Licences for vending Brandy or Spirits, as also the present Duties on Low Wines, Strong Waters, Brandy, Rum, Arrack, and all other Spirits, whether Foreign or British; and such Duties as shall arise by retaling the same, shall from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, be united to and made Part of the General or Aggregate Fund established by the Act of the First Year of the Reign of his late Majesty King George the First, and be issued and applied to the Uses to which the said Fund is or shall be made applicable.

XVIII. And whereas the said Duties upon Low Wines, Strong Waters, Brandy, Rum, Arrack, and all other Spirits, whether Foreign or *British*, are amongst other Duties and Revenues charged with and liable to pay several Sums of Money, as well for the Support of His Majesty's Household and Family and the Honour and Dignity of the Crown, as for Payment of Annuities and other Payments to several Corporations, and to other Persons intitled thereunto; and it may so happen, that by making the Alterations aforesaid in the said Duties, the Funds charged with the Payments aforesaid may prove deficient: And whereas by a Medium of Eight Years, computed from the Time of His Majesty's happy Accession to the Throne to *Midsummer* last past, the Sum of Seventy thousand Pounds is taken to be the Medium of the annual Produce of what has been applied of the Duties aforesaid to the Service of His Majesty's Household and Family: To the End therefore that neither His Majesty, nor any other Person or Persons, Bodies Politick or Corporate, who is or are intitled to any Part, Share, or Interest in the Money arising by the said Duties, may be Losers, or receive any Prejudice by the Alterations aforesaid; be it enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, there shall be paid to His Majesty during his natural Life (which God long preserve) out of the Monies of the said General or Aggregate Fund, the Sum of Seventy thousand Pounds per Annum, being the aforesaid Medium of what has annually been applied of the Duties aforesaid towards the Service of His Majesty's Houshold and Family and other His Expences and Occasions, from his happy Accession to the Throne to Midsummer last past.

70,000 *l. per Ann.* to be paid to His Majesty out of the said Fund.

Deficiencies how to be supplied.

XIX. And be it further enacted by the Authority aforesaid, That when and as often as any Deficiency shall happen upon any other the Funds, for which the said Duties were applicable, it shall and may be lawful to and for the Commissioners of His Majesty's Treasury now being, or the High Treasurer, or Commissioners of His Majesty's Treasury for the time being, to make good and supply the said Deficiency from time to time out of the said General or Aggregate Fund.

Justices may summon Excise Officers to give an Account on Oath touching the Entries of Spirituous Liquors, *&c.* made by Persons suspected to sell them without Licence.

XX. And for the more easy Discovery of Persons, who shall keep a Common Ale-house or Tippling-house without Licence, or who shall presume to sell any Spirituous Liquors, or any Ale, Beer, Cyder, Perry, or other Liquors by Retale, without such Licence or Licences as are by Law required for vending the same; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for every Justice or Justices of the Peace to summon or call before him or them any Excise Officer or Gauger within their respective Divisions, and to examine the said Officer or Gauger upon Oath touching the Entry of any Spirituous Liquors, Ale, Beer, Cyder, or Perry, made by any Person suspected to sell the same without Licence, and every Person making such Entry, shall be deemed a Seller of such Liquors so entred to all Intents and Purposes, as if the same had been proved before such Justice or Justices by the Oath of Two Witnesses.

Persons who have exercised Distillation for 7 Years, or on 25 *March*, 1736, were Apprentices to the same, may follow any Trade in any City, *&c.*

XXI. And be it further enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and thirty six, any Person or Persons, who have followed and exercised the Art or Business of Distillation for Seven Years last past, or have served, or on the Twenty fifth Day of March, One thousand seven hundred and thirty six, were serving any Apprenticeship to the same, shall and may have full Liberty and Authority to exercise and follow any other Trade, Art, Business, or Manufacture in any City, Town, or Place, within that Part of Great Britain called England; any Law, Charter, Grant, Custom, or Usage, to the contrary notwithstanding.

This Act not to extend to *Aqua Vitæ* retaled and consumed in *Scotland*.

XXII. Provided nevertheless, That nothing in this Act contained shall extend to charge with any of the Duties directed to be paid, levied, or received as aforesaid, any Spirits made or distilled from Malt, and retaled and consumed within that Part of Great Britain called Scotland, which Spirits are commonly called and known by the Name of Aqua Vitæ in that Part of the Kingdom, or to subject the Makers, Sellers, or Retalers thereof within that Part of the Kingdom to take such Licences as are herein before directed.

CAP. XXIV.

An Act for exhibiting a Bill in this present Parliament for naturalizing her Royal Highness the Princess of *Wales*.

Preamble.

WHEREAS the King's most Excellent Majesty (whom God long preserve) hath been graciously pleased, to the great Joy and Satisfaction of his People, and for the strengthning and securing of the Protestant Interest, to marry His eldest Son his Royal Highness the Prince of *Wales*, who by following the Example of his Royal Father, is possessed of Virtues and Accomplishments, which render him worthy of his great Ancestors, to a Princess of the highest Personal Merit, and of the Ancient and Illustrious House of *Saxe Gotha*, a Family remarkable for their exalted Virtues, and for their steady Adherence to the Protestant Religion: And whereas we are desirous upon this Occasion to express our just Sense of His Majesty's great Goodness to us, and our Esteem and Affection for this Excellent Princess, by rendring her capable of enjoying all our Rights and Privileges: And whereas by an Act passed in the First Year of his late Majesty King *George*, it was enacted, That no Person should be naturalized, unless in the Bill exhibited for that Purpose there be a Clause, or particular Words inserted, to declare, that such Person shall not thereby be enabled to be of the Privy Council, or a Member of either House of Parliament, or to take any Office or Place of Trust, either Civil or Military, or to have any Grant of Lands, Tenements, or Hereditaments

Recital of a Clause in the Act 1 *Geo.* I. *c.* 4. concerning Bills of Naturalization.

ments from the Crown, to himſelf or any other Perſon in Truſt for him; and that no Bill of Naturalization ſhould from thenceforth be received in either Houſe of Parliament, unleſs ſuch Clauſe or Words be firſt inſerted or contained therein; we therefore Your Majeſty's moſt dutiful and loyal Subjects, the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That a Bill for the Naturalization of her Royal Highneſs the Princeſs of Wales (without the Clauſe or particular Words directed by the ſaid recited Act to be inſerted) ſhall and may be exhibited and brought into this Parliament, the ſaid recited Act, or any other Law, Statute, Matter, or Thing whatſoever, to the contrary notwithſtanding.

A Bill for naturalizing the Princeſs of *Wales* may be exhibited, without inſerting the Words directed by that Clauſe.

CAP. XXV.

An Act for more equal paying and better collecting certain ſmall Sums for Relief of Shipwrecked Mariners, and diſtreſſed Perſons, His Majeſty's Subjects, in the Ports of *Cadiz*, and *Port Saint Mary*'s, in the Kingdom of *Spain*, and for other Uſes, uſually contributed to by the Merchants trading to the ſaid Ports.

Preamble. WHEREAS it hath long been the Cuſtom and Uſage for the Conſul appointed for His Majeſty's Subjects trading to *Cadiz*, and *Port Saint Mary*'s, with the Majority of the *Britiſh* Merchants and Factors there, to receive certain ſmall Sums, not exceeding one Ryal Plate *per* Ducat, upon the Amount of the Freight of all Merchandize not paying Freight by the Tun, and Two Ryals Plate *per* Tun upon all Tunnage Goods, imported in *Britiſh* or *Iriſh* Ships or Veſſels; which Sums have been received by Perſons annually choſen as Treaſurers for that Purpoſe, and applied by them for the Relief of Shipwrecked Mariners, and other diſtreſſed Perſons His Majeſty's Subjects, and for ſuch other good and uſeful Purpoſes, as have been directed by the ſaid Conſul, with the Majority of the ſaid Merchants and Factors: And whereas ſeveral Perſons have refuſed to pay, or eluded the Payment of ſuch Sums for the charitable Purpoſes aforeſaid, which hath occaſioned an unequal Charge upon others of His Majeſty's Subjects trading to the ſaid Ports: Now in order to encourage and promote the good Ends and Purpoſes ſo eſtabliſhed, and to render the Contributions thereto more equal and certain, may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty ninth Day of September, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty ſix, it ſhall be lawful to and for ſuch Perſon or Perſons as ſhall be appointed by the Conſul named for His Majeſty's Subjects trading to the ſaid Ports of Cadiz and Port Saint Mary's for the time being, together with the Majority of the Britiſh Merchants and Factors there, to receive and recover from all Maſters or other chief Officers and Commanders of all Britiſh and Iriſh Ships or Veſſels trading to the ſaid Ports, any Sum or Sums of Money not exceeding one Ryal Plate per Ducat on the Freight of all Goods and Merchandize (except Tunnage Goods) imported into the ſaid Ports in ſuch Ships and Veſſels, and on all Tunnage Goods any Sum or Sums of Money not exceeding Two Ryals Plate per Tun; and all Bills of lading of ſuch Ships and Veſſels ſhall ſpecify to pay the ſaid Monies accordingly under the Denomination of Contribution, as by Act of Parliament, or to that Effect; and the Perſons paying the ſame ſhall be reimburſed by their reſpective Freighters, or by the Perſons to whom the ſaid Goods and Merchandizes ſhall be conſigned, or who ſhall receive the ſame; and in caſe the Maſter or Commander of ſuch Ship or Veſſel ſhall neglect to ſpecify the Payment of the ſaid Monies in the Bill or Bills of lading, as aforeſaid, he ſhall be anſwerable for the ſame; or in caſe no Bill of lading ſhall appear, or no Freight or Tunnage be ſettled between the Owner or Owners of the Goods and the Maſter or Commander of any Britiſh or Iriſh Ship or Veſſel trading as aforeſaid, then the Freight or Tunnage of ſuch Goods or Merchandize ſhall be valued by Two indifferent Britiſh Merchants on the Place, One to be appointed by the Conſul, and the other by the Maſter or Commander of ſuch Ships or Veſſels, within Ten Days next after the unloading of the ſaid Goods. And in caſe the Two Perſons ſo choſen ſhall not agree and award the ſame in Three Days next after ſuch Appointment, ſuch Two Perſons ſhall then chooſe a Third Perſon, being a Britiſh Merchant on the Place, as an Umpire, who ſhall decide and determine the ſaid Valuation of Freight or Tunnage in Three Days; and ſuch Sums ſhall be paid in either Caſe for the Purpoſes aforeſaid, as ſhall be agreeable to this Act.

After 29 *Sept.* 1736, the Perſon appointed by the Conſul, with the Majority of the *Britiſh* Merchants there, may receive one Ryal Plate *per* Ducat for all Goods imported to *Cadiz* and *Port Saint Mary*'s, &c.

Maſters of Veſſels, in 10 Days after Arrival, to deliver a true Manifeſt in Writing, on Oath, of their Cargoes.

II. And be it enacted by the Authority aforeſaid, That all Maſters, Commanders, or other chief Officers of all Britiſh or Iriſh Ships or Veſſels trading to the Port of Cadiz and Port Saint Mary's, and unloading and delivering the Ship or Veſſel or any Part of the Cargoe there, ſhall, within Ten Days after the Arrival of ſuch Ship or Veſſel deliver to the Conſul reſiding there, or to ſuch other Perſon or Perſons as ſhall be appointed for that Purpoſe by him, a true Manifeſt in Writing upon Oath, ſpecifying the Particulars of the whole Cargoe of ſuch Ships or Veſſels ſo unloaded or delivered, or ſuch Part thereof as ſhall be unloaded or delivered there, and to whom conſigned; which Oath ſuch Conſul, or other Perſon or Perſons to be appointed by him, is and are hereby reſpectively impowered and required to adminiſter gratis.

Clearances Outward to be detained on Nonpayment.

III. And for better collecting the ſaid Monies herein before directed to be paid for the charitable and other publick Uſes aforeſaid, be it enacted, That the ſaid Conſul, or other Perſon or Perſons appointed by him in either of the ſaid Ports of Cadiz or Port Saint Mary's, ſhall and they are hereby reſpectively authorized and required to detain the Clearances Outward of all Britiſh or Iriſh Ships and Veſſels, and not give and deliver any Diſpatch or Bill of Health for any ſuch Ship or Veſſel, until Payment be made as aforeſaid; and in caſe the Maſter or Commander of ſuch Ship or Veſſel, in order to avoid the Payment of the ſaid Monies, ſhall at any Time think proper to depart without his ſaid Clearances Outwards, in ſuch Caſe the Conſul ſhall, upon the Return of the ſaid Maſter or Commander

mander to any Port of His Majesty's Dominions, have a just Action at Law against him for all the Money which by virtue of this Act ought to have been paid.

Application of the Monies so raised.

IV. And be it further enacted, That all Monies to be raised or received as aforesaid, shall be applied in the Manner above mentioned, that is to say, To the Succour and Relief of Shipwrecked Mariners, and other distressed Persons His Majesty's Subjects, and to such other charitable and publick Uses, as shall from time to time be appointed by the Consul for the time being, with the Majority of British Merchants and Factors residing at the said Ports of Cadiz and Port Saint Mary's.

Consul may summon General Meetings of the *British* Merchants to determine all Matters relating to the Premisses.

V. And be it enacted by the Authority aforesaid, That the Consul for the time being, appointed for His Majesty's Subjects trading to the Ports of Cadiz and Port Saint Mary's, shall from time to time as he shall see Occasion for effecting the Purposes of this Act, call and summon a General Meeting of the British Merchants and Factors residing at the said Ports; and he is hereby obliged and required from time to time to call and summon General Meetings or Assemblies, as often as he shall be desired by Writing under the Hands of any Five or more of the British Merchants or Factors aforesaid; and the Majority at such Meetings or Assemblies shall from time to time order and determine all Matters and Things relating to the Premisses.

Publick Act.

VI. And be it enacted by the Authority aforesaid, That this Act shall be esteemed and taken in all Courts of Justice and elsewhere to be a publick Act, and shall be taken Notice of as such, without specially pleading of the same; and if any Action shall be brought or Suit commenced against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Premisses, the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if the same shall appear to have been so done, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law.

General Issue.

Full Costs.

CAP. XXVI.

An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty, as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing further Time for Inrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees.

Preamble, reciting the Acts 1 *Geor.* I. *c.* 13.

WHEREAS divers Persons, who on Account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or the Assurance respectively appointed to be taken by such Persons in and by an Act made in the First Year of the Reign of His late Majesty King *George* the First, of Glorious Memory, intituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants, and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors*; or to have qualified themselves according to an Act made in the Twenty fifth Year of the Reign of King *Charles* the Second intituled, *An Act for preventing Dangers which may happen from Popish Recusants*, by receiving the Sacrament of the Lord's Supper according to the Usage of the Church of *England*, and making and subscribing the Declaration against Transubstantiation therein mentioned; have, through Ignorance of the Law, Absence, the Shortness of the Time allowed for that Purpose, or some unavoidable Accident, omitted to take and subscribe the said Oaths or Assurance, or otherwise to qualify themselves as aforesaid, within such Time, and in such Manner, as in and by the said Acts respectively, or by any other Act of Parliament in that Behalf made and provided, is required, whereby they may be in Danger of incurring divers Penalties and Disabilities: For quieting the Minds of His Majesty's Subjects, and for preventing any Inconveniencies that might otherwise happen by means of such Omissions, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons, who shall on or before the First Day of August, in the Year of our Lord One thousand seven hundred and thirty six, take and subscribe the said Oaths and Assurance respectively, in such cases wherein by Law the said Oaths or Assurance ought to have been taken and subscribed, in such Manner and Form, and at such Place and Places, as are appointed in and by the said Act made in the First Year of the Reign of His said late Majesty King George the First, and also receive the Sacrament of the Lord's Supper according to the Usage of the Church of England, and make and subscribe the said Declaration against Transubstantiation, in such Cases wherein the said Sacrament ought to have been received, and the said Declaration ought to have been made and subscribed, shall be and are hereby indemnified, freed, and discharged, of, from, and against all Penalties, Forfeitures, Incapacities, and Disabilities, incurred or to be incurred for or by reason of any former Neglect or Omission of taking or subscribing the said Oaths or Assurance, or receiving the said Sacrament, or making or subscribing the said Declaration respectively, according to the above mentioned Acts, or any of them, or any other Act or Acts concerning Persons in Offices or Places of Trust, and is and are and shall be fully and actually recapacitated and restored to the same State and Condition, as such Person and Persons were in before such Neglect or Omission, and shall be deemed and adjudged to have duly qualified, him, her, or themselves, according to the abovementioned Acts, and every of them, and that all Acts done or to be done by any such Person or Persons, or by Authority derived from him or them, are and shall be of the same Force and Validity, as the same, or any of them, would have been,

25 *Car.* II. *cap.* 2.

Persons taking the Oaths, receiving the Sacrament, &c. by 1 *Aug.* 1736, indemnified.

and their Acts valid.

if

if such Person or Persons had taken and subscribed the said Oaths and Assurance, and received the Sacrament of the Lord's Supper, and made and subscribed the said Declaration respectively, according to the Direction of the said Acts, and every of them; and that such Person or Persons qualifying themselves in the Manner and within the Time appointed by this Act, shall be to all Intents and Purposes as effectual, as if such Person or Persons had respectively taken and subscribed the said Oaths and Assurance, and received the said Sacrament, and made and subscribed the said Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

This Act not to restore to any Office, &c. already vacated, or enjoyed by another Person.

II. Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgement of any of His Majesty's Courts of Record, or already filled up or enjoyed by another Person; but such Office, Employment, Benefice, Matter, or Thing, so avoided, or filled up and enjoyed as aforesaid, shall be and remain in and to the Person or Persons who is or are now intitled to the same, as if this Act had never been made.

The indemnifying Act 2 *Geo.* II. *c.* 31.

III. And whereas the Time for taking and subscribing the Oaths appointed to be taken and subscribed by Persons on account of their Offices, Places, Employments, or Professions, or on any other Cause, in and by the said Act made in the First Year of the Reign of His late Majesty King *George* the First, is, by an Act made in the Second Year of the Reign of His present Majesty, intituled, *An Act for indemnifying Persons who have omitted to qualify themselves for Offices and Employments within the Time limited by Law, and for allowing further Time for that Purpose, and for repealing so much of an Act of Parliament passed in the First Year of his late Majesty King* George *the First, as requires Persons to qualify themselves for Offices or Employments within Three Months, and for limiting other Times for such Qualifications; as also for the Repeal of so much of an Act passed in the Thirtieth Year of the Reign of King* Charles *the Second, as relates to the sworn Servants of the King's or Queen's Majesty;* limited to any Time before the End of the next Term, after he or they shall be admitted into or enter upon any such Preferment, Benefice, Office, or Place, or come into such Capacity, or take upon him or them such Practice, Employment, or Business, as is therein mentioned, or to any Time before the End of the next Quarter Sessions of the County, City, or Place, where such Person shall be or reside, after he or they shall be admitted into, or enter upon any such Preferment, Benefice, Office, or Place, or come into any such Capacity, or take upon him or them such Practice, Employment, or Business, as is therein mentioned: And whereas by the said Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, the respective Persons therein mentioned are required to make and subscribe the Declaration against Transubstantiation in the next Term, or at the Quarter Sessions for that County or Place where he or they shall reside, next after his or their Admittance ot Admittances into the respective Offices or Employments therein mentioned, which Times so limited in the said several Acts are found to be too short and inconvenient; now for Remedy thereof, and for amending the said Acts by enlarging the said Times, be it enacted by the Authority aforesaid, That all and every Person and Persons that shall be admitted, entred, placed, or taken into any Office or Offices, Civil or Military, or shall receive any Pay, Salary, Fee, or Wages, by reason of any Patent or Grant from His Majesty, His Heirs, or Successors, or by his Authority, or by Authority derived from him or them within that Part of Great Britain called England, or in His Majesty's Navy, or in the several Islands of Jersey and Guernsey, or that shall be admitted into any Service, Office, or Employment, in the Houshold or Family of His Majesty, or Her Majesty, or of his Royal Highness Frederick Prince of Wales, or any of His Majesty's Issue, and all Ecclesiastical Persons, Heads, or Governors, of what Denomination soever, and all other Members of Colleges and Halls within either of the Universities of Oxford or Cambridge, that are or shall be of the Foundation, or that do or shall enjoy any Exhibition, being of, or as soon as they shall attain, the Age of Eighteen Years, and all Persons teaching or reading to Pupils in either of the aforesaid Universities, or elsewhere, and Schoolmasters and Ushers, and all Preachers and Teachers of separate Congregations, High or Chief Constables, and every Person who shall act as Serjeant at Law, Counsellor at Law, Barrister, Advocate, Attorney, Solicitor, Proctor, Clerk, or Notary, by practising in any Manner as such in any Court or Courts whatsoever, within that Part of Great Britain called England, who shall at any Time after the First Day of August, in the Year of our Lord One thousand seven hundred and thirty six, be admitted into, or enter upon, any of the aforementioned Preferments, Benefices, Offices, or Places, or shall come into any such Capacity, or shall take upon him or them any such Practice, Employment, or Business, as aforesaid, shall take and subscribe the Oaths appointed by the said Statute made in the First Year of the Reign of his late Majesty King George the First, in such Form, as by that Statute is directed, in His Majesty's Court of Chancery, King's Bench, Common Pleas, or Exchequer, or at the General or Quarter Sessions of the County, City, or Place, where such Person shall be or reside, at any Time within Six Kalendar Months after he or they shall be admitted into, or enter upon any such Preferment, Benefice, Office, or Place, or come into such Capacity, or take upon him or them such Practice, Employment, or Business, as aforesaid; and all and every Person or Persons, who, by the said Act made in the Twenty fifth Year of the Reign of King Charles the Second, are required to make and subscribe the Declaration against Transubstantiation, shall make and subscribe the said Declaration at the same Places, and at the same Times, as are by this Act limited for taking and subscribing the Oaths aforesaid.

All Persons admitted into any Preferments or Places after 1 *Aug.* 1736, to take the Oaths, &c. within Six Months after Admission.

Persons beyond the Seas allowed to take the said Oaths, &c. 6 Months after their Return.

IV. Provided always, That nothing in this Act shall extend to any Person beyond the Seas, who by virtue of this Act ought to take and subscribe the said Oaths, or by virtue of the said Act made in the Twenty fifth Year of King Charles the Second ought to make and subscribe the said Declaration, so as such Person do within Six Kalendar Months after his Return to or Arrival in that Part of Great Britain called England, take and subscribe the said Oaths, in such Manner and Form, and at such Place and Places, as are appointed in and by the said Act made in the First Year of the Reign of His late Majesty King George the First, and also receive the Sacrament of the Lord's Supper according to the Usage of the Church of England, and make and subscribe the said Declaration against Transubstantiation, in such Cases wherein the said Sacrament ought to have been received and the said Declaration ought to have been made and subscribed.

V. Provided

V. Provided always, and it is hereby further enacted by the Authority aforesaid, That all and every Person and Persons aforesaid that shall neglect or refuse to take the said Oaths, or who shall neglect or refuse to make and subscribe the said Declaration in Cases where the same ought to be made and subscribed, within the Time and at the Places aforesaid according to the Directions of this Act, shall be liable unto and incur all such Disabilities, Incapacities, Forfeitures, and Penalties, as in and by the said Act of the First Year of the Reign of his late Majesty King George the First are provided and inflicted for not taking and subscribing the said Oaths, or are provided and inflicted by the said Act made in the Twenty fifth Year of the Reign of King Charles the Second for not making and subscribing the said Declaration; and in Case of executing any such Office, Place, or Employment, after such Neglect or Refusal as aforesaid, every such Person and Persons, being thereof lawfully convicted in such Manner as by the said several Acts is directed, shall be liable unto and incur all such Disabilities, Incapacities, Forfeitures, and Penalties, as in and by the said Acts are provided, to be prosecuted, sued for, and recovered in such Manner as therein is prescribed.

Persons neglecting to take the Oaths, &c. in the Time herein limited, to incur the Penalties inflicted by the said Acts.

VI. And it is hereby further enacted by the Authority aforesaid, That all and every the Powers, Authorities, Conditions, Directions, and Provisions in and by the said Acts of the First Year of the Reign of his late Majesty King George the First, and of the Twenty fifth Year of the Reign of King Charles the Second, enacted or provided touching or relating to the taking and subscribing of the said Oaths, and the making and subscribing the said Declaration, or the Neglect or Refusal thereof, shall be adjudged, deemed, and taken to be in full Force, as if the same were herein particularly inserted and re-enacted, except only as to the Alteration by this Act made in respect of the Times limited for taking and subscribing the said Oaths, and making and subscribing the said Declaration, and also as to the Indemnity hereby granted to such who on or before the First Day of August, One thousand seven hundred and thirty six, shall take and subscribe the said Oaths, and make and subscribe the said Declaration, and receive the Sacrament of the Lord's Supper according to the Usage of the Church of England, where the same are respectively required by Law; any thing herein before contained to the contrary thereof in any wise notwithstanding.

All the Powers in the recited Acts to continue in full Force,

except only as to the Alteration made by this Act with Regard to Time.

VII. And whereas by a Clause in an Act of Parliament passed in the Third Year of his late Majesty's Reign, intituled, *An Act for explaining an Act passed in the last Session of Parliament, intituled*, An Act to oblige Papists to register their Names and real Estates, *and for enlarging the Time for such Registring, and for securing Purchases made by Protestants*, it was enacted, That from and after the Nine and twentieth Day of *September*, in the Year of our Lord One thousand seven hundred and seventeen, no Manors, Lands, Tenements, Hereditaments, or any Interest therein, or Rent or Profit thereout, should pass, alter, or change from any Papist, or Person professing the Popish Religion, by any Deed or Will, except such Deed within Six Months after the Date, and such Will within Six Months after the Death of the Testator, should be inrolled in one of the King's Courts of Record at *Westminster*, or else within the same County or Counties, wherein the Manors, Lands, and Tenements lie, in such Manner as therein for that Purpose is particularly directed: And whereas by a Clause in another Act of Parliament passed in the Tenth Year of his said late Majesty's Reign, intituled, *An Act for explaining and amending an Act of the last Session of Parliament, intituled*, An Act to oblige all Persons being Papists, in that Part of *Great Britain* called *Scotland*, and all Persons in *Great Britain*, refusing or neglecting to take the Oaths, appointed for the Security of His Majesty's Person and Government by several Acts therein mentioned, to register their Names and real Estates; *and for enlarging the Time for taking the said Oaths, and making such Registers; and for allowing further Time for the Inrolment of Deeds or Wills made by Papists, which have been omitted to be inrolled, pursuant to an Act of the Third Year of his said late Majesty's Reign; and also for giving Relief to Protestant Lessees*, it was enacted, for the Relief of such Persons who had neglected or omitted to inroll their Deeds or Wills, That every Deed and Will, which had been then made since the Nine and twentieth Day of *September*, One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Person professing the Popish Religion, though not then inrolled, should be as good and effectual in the Law, as the same would have been, in case the said Deeds and Wills had been inrolled within the Time limited by the said Clause in the said former Act for Inrolment thereof, provided the said Deeds and Wills should be inrolled on or before the Nine and twentieth Day of *September*, One thousand seven hundred and twenty four, in such Manner as by the said former Act was directed: And whereas by a Clause in another Act of Parliament passed in the Third Year of His present Majesty's Reign, intituled, *An Act for continuing and amending an Act for regulating the Price and Assize of Bread; for Relief of Bankrupts whose Certificates were not allowed before the Expiration of a late Act, for the better preventing Frauds committed by Bankrupts; for allowing further Time for Inrolment of Deeds or Wills made by Papists, and for Relief of Protestant Purchasers and Lessees; and for making further Provision concerning Certificates relating to the Settlements of poor Persons, and the Charges of maintaining and removing certificated Persons*, it was enacted, for the Relief of such Protestant Purchasers and Lessees, and such other Persons as had neglected or omitted to inroll their Deeds or Wills in due Time, that every Deed and Will then made, since the Nine and twentieth Day of *September*, in the Year of our Lord One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion (though not then inrolled) should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited in the said Clauses in the said former Acts for the Inrolment thereof, provided the same Deeds and Wills should be inrolled on or before the Nine and twentieth Day of *September*, One thousand seven hundred and thirty one, in such Manner as by the said Clause in the said first mentioned Act was directed: And whereas by a Clause in another Act of Parliament passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for allowing further Time for the Inrolment of Deeds and Wills made by Papists, and for Relief of Protestant Purchasers and Lessees*, it was enacted, That every Deed and Will then made, since the Twenty ninth Day of *September*, One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion (though not inrolled, should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Times limited in the said Clauses in the said Acts for the Inrolment thereof) provided the same Deeds and Wills should be inrolled on or before the Twenty

Recital of a Clause in the Act 3 *Geo.* I. *c.* 18.

10 *Geo.* I. *c.* 4.

3 *Geo.* II. *c.* 29.

6 *Geo.* II. *c.* 5. concerning Papists Estates.

ninth Day of *September*, One thouſand ſeven hundred and thirty three, in ſuch Manner, as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed: And whereas ſeveral of His Majeſty's Proteſtant Subjects, ſince the Nine and twentieth Day of *September*, One thouſand ſeven hundred and ſeventeen, have purchaſed Lands, and taken Leaſes upon Fines paid, where ſome ſmall Rents have been reſerved, from Papiſts or Perſons profeſſing the Popiſh Religion, and have neglected and omitted to inroll their purchaſe Deeds and Leaſes within the Times limited by the ſaid Clauſes in the ſaid Acts directed for the Inrolment thereof, and are in danger of being defeated of their ſaid Purchaſes and Leaſes: And whereas ſeveral Infants and others claiming under the laſt Wills and Teſtaments of Papiſts or Perſons profeſſing the Popiſh Religion, may be defeated of their Manors, Lands, Tenements, and Hereditaments, ſo deviſed to them, through the Neglect or Omiſſion of the Executors or Truſtees of ſuch Wills to inroll the ſame in due Time according to the Direction of the ſaid Clauſes in the ſaid Acts; **to relieve therefore ſuch Proteſtant Purchaſers, Deviſees, and Leſſees, and ſuch other Perſons as have neglected or omitted to inroll their Deeds or Wills in due time, as aforeſaid, be it enacted by the Authority aforeſaid, That every Deed and Will made ſince the Nine and twentieth Day of** September, **in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or any Rent or Profit thereout, from any Papiſt, or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhall be as good and effectual in the Law, as the ſame would have been in caſe the ſaid Deeds and Wills had been inrolled within the Times limited by the ſaid Clauſes in the ſaid Acts for the Inrolment thereof, provided the ſame Deeds and Wills ſhall be inrolled on or before the Nine and twentieth Day of** September, **in the Year of our Lord One thouſand ſeven hundred and thirty ſix, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed.**

Deeds and Wills made ſince 29 *Sept.* 1717, for Conveyance of the Lands of Papiſts, ſhall be good, if inrolled by 29 *Sept.* 1736.

But not to extend to Deeds, Wills, or Leaſes, not inrolled, whereof Advantage was taken before 2 *Febr.* 1735.

VIII. **Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to make good any ſuch Deed, Will, or Leaſe already made, and not inrolled, of the Want of Inrolment whereof Advantage ſhall have been taken on or before the Second Day of** February, **in the Year of our Lord One thouſand ſeven hundred and thirty five, but every ſuch Deed, Will, and Leaſe, ſhall remain of ſuch Force and Effect only, as the ſame would have had, if this Act had never been made, and of none other Force or Effect.**

IX. And whereas many Purchaſes made by Proteſtants ſince the ſaid Twenty ninth Day of *September*, One thouſand ſeven hundred and ſeventeen, may be in Danger of being impeached or called in Queſtion, in regard that ſome Deeds or Wills, through which the Title thereto is derived, ought to have been inrolled according to the ſaid Acts, but have not been ſo inrolled, by reaſon that it was not known to ſuch Purchaſers that the Perſons who made ſuch Deeds or Wills were Papiſts; **be it therefore further enacted by the Authority aforeſaid, That no Purchaſe, made for full and valuable Conſiderations, of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, by any Proteſtant or Proteſtants, and merely and only for the Benefit of Proteſtants, ſhall be impeached or avoided, for or by reaſon that any Deed or Will, through which the Title thereto is derived, hath not been inrolled as required by the ſaid Acts, ſo as no Advantage was taken of the want of Inrolment thereof before ſuch Purchaſe was made, and ſo as ſuch Purchaſer or Purchaſers had not Notice before ſuch their Purchaſe, that the Perſon or Perſons who made ſuch Deed or Will was or were a Papiſt or Papiſts, and ſo as no Decree or Judgement hath been obtained for want of the Inrolment of ſuch Deeds or Wills.**

No Purchaſe of Lands, &c. made by Proteſtants for valuable Conſideration to be avoided, for want of Inrolment;

Exceptions.

CAP. XXVII.

An Act for laying a Duty of Two Penies *Scots*, or One ſixth Part of a Peny *Sterling*, upon every *Scots* Pint of Ale and Beer brewed, or brought into, and ſold within the Town of *Irvine*, and Liberties thereof: And for laying a Duty of One Peny *Sterling* upon every Ton, or Ten Horſe Loads of Coals, carried to the Harbour of the ſaid Town, and ſhipped there for Tranſportation.

Preamble.

WHEREAS the Town of *Irvine* lies very commodiouſly for Trade, at the Mouth of the River of that Name, and for many Years hath been very uſeful in Exportation of Coals, to the great Advantage of the ſaid Town and Increaſe of His Majeſty's Revenue; but of late the Trade of the ſaid Town has very much abated, and is in danger of being intirely loſt by the Decay of the Harbour there; which, by reaſon of the Water not being confined to the proper Chanel, is frequently filled up with Sand Banks, ſo that the Harbour is of little Uſe, and Ships of very ſmall Burthen are frequently ſhut up in the ſaid River for ſeveral Months, before they can ſail out to Sea; whereby the Trade and Navigation of the ſaid Town is greatly decreaſed: And whereas the Town Houſe, Church, Streets, and other publick Works and Buildings of the ſaid Town, particularly the common Gaol, and One of the Arches of the Bridge leading over the ſaid River, are much out of Repair: And whereas the ſaid Town has, from time to time, been at conſiderable Charges in ſupporting their Navigation, by cleanſing the ſaid River and Pier or Harbour, and maintaining or repairing the other publick Works and Buildings of the Town; yet their Revenue is, and always has been, ſo ſmall and inconſiderable, that what they have hitherto done has proved ineffectual, &c.

The Duties are granted for 19 *Years, from* 24 June, 1736.

CAP. XXVIII.

An Act for naturalizing her Royal Highneſs the Princeſs of *Wales*.

Preamble.

WHEREAS the King's moſt Excellent Majeſty (whom God long preſerve) hath been graciouſly pleaſed, to the great Joy and Satisfaction of His People, to marry His eldeſt Son *Frederick* Prince of *Wales*, a Prince formed by His Majeſty's Royal Example, and poſſeſſed of Virtues and Accompliſhments which render him worthy of his great Anceſtors, to a Princeſs of the higheſt perſonal Merit, deſcended from the ancient and illuſtrious Houſe of *Saxe Gotha*, a Family diſtinguiſhed for their Steadineſs and Sufferings in the Defence of the Proteſtant Religion and of the Rights and Liberties of their Country: And whereas it is juſt and reaſonable, that her Royal Highneſs the Princeſs of *Wales* ſhould be rendered capable of partaking of thoſe Rights and Liberties, which this Nation happily enjoys under His Majeſty's moſt auſpicious Reign, and which His Majeſty by this Marriage hath endeavoured to tranſmit and ſecure to our Poſterity; **we Your Majeſty's**

Majeſty's moſt Dutiful and Loyal Subjects, the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, do moſt humbly beſeech Your Majeſty, that it may be enacted, and be it enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That her Royal Highneſs the Princeſs of Wales be to all Intents and Purpoſes whatſoever deemed, taken, and eſteemed, a natural born Subject of this Kingdom, as if the ſaid Princeſs had been born within this Realm; any Law, Statute, Matter, or Thing whatſoever to the contrary notwithſtanding. The Princeſs of *Wales* to be deemed a natural born Subject of this Kingdom.

CAP. XXIX.

An Act for building a Bridge croſs the River *Thames*, from the *New Palace Yard* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*.

WHEREAS it will be advantageous, not only to the City of *Weſtminſter*, but to many other of His Majeſty's Subjects, and to the Publick in general, that a Bridge be built croſs the River *Thames* from *New Palace Yard* in the ſaid City of *Weſtminſter* to the oppoſite Shore in the County of *Surrey*; may it therefore please Your moſt Excellent Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That his Grace William Lord Archbiſhop of Canterbury, and the Archbiſhop of Canterbury for the time being, the Right Honourable Charles Lord Talbot, Lord High Chancellor of Great Britain, and the Lord High Chancellor or Lord Keeper of the Great Seal of Great Britain for the time being; the Right Honourable Spencer Earl of Wilmington, Lord Preſident of the Council, and the Lord Preſident of the Council for the time being; the Right Honourable Francis Earl of Godolphin, Lord Privy Seal, and the Lord Privy Seal for the time being; the Moſt Noble William Duke of Devonſhire, Lord Steward of His Majeſty's Houſhold, and the Lord Steward of His Majeſty's Houſhold for the time being; the Moſt Noble Charles Duke of Grafton, Lord Chamberlain of His Majeſty's Houſhold, and the Lord Chamberlain of His Majeſty's Houſhold for the time being; the Moſt Noble Charles Duke of Somerſet, the Moſt Noble Charles Duke of Richmond, the Moſt Noble Henry Duke of Beaufort, the Moſt Noble John Duke of Bedford, the Moſt Noble John Duke of Montagu, the Moſt Noble John Duke of Argyll, the Moſt Noble Thomas Duke of Newcaſtle, the Moſt Noble Lionel Duke of Dorſet, the Right Honourable Henry Earl of Pembroke, the Right Honourable John Earl of Leiceſter, the Right Honourable Daniel Earl of Winchelſea and Nottingham, the Right Honourable Sackville Earl of Thanet, the Right Honourable Richard Earl of Burlington, the Right Honourable Richard Earl of Scarborough, the Right Honourable George Earl of Cholmondeley, the Right Honourable Archibald Earl of Ilay, the Right Honourable Lewis Earl of Rockingham, the Right Honourable Heneage Earl of Aylesford, the Right Honourable George Earl of Halifax, the Right Honourable William Earl Cowper, the Right Honourable George Earl of Macclesfield, the Right Honourable Benjamin Earl Fitzwalter, the Right Honourable Francis Earl of Effingham, Deputy Earl Marſhal of England; the Right Honourable Henry Lord Viſcount Saint John, the Right Honourable Pattee Lord Viſcount Torrington, the Right Reverend the Lords Biſhops of London, Wincheſter, Chicheſter, Sarum, and Rocheſter, for the time being; the Right Honourable William Lord Harrington, One of His Majeſty's Principal Secretaries of State, and His Majeſty's Principal Secretaries of State for the time being; the Right Honourable William Lord Abergavenny, the Right Honourable John Lord Delawar, Treaſurer of His Majeſty's Houſhold, and the Treaſurer of His Majeſty's Houſehold for the time being; the Right Honourable William Lord Craven, the Right Honourable Charles Lord Baron of Weſton, Earl of Arran in the Kingdom of Ireland, High Steward of Weſtminſter, and the High Steward of Weſtminſter for the time being; the Right Honourable John Lord Hervey, Vice Chamberlain of His Majeſty's Houſhold, and the Vice Chamberlain of His Majeſty's Houſhold for the time being; the Right Honourable Thomas Lord Onſlow, the Right Honourable Robert Lord Walpole, the Right Honourable Philip Lord Hardwicke, Lord Chief Juſtice of the Court of King's Bench, and the Lord Chief Juſtice of the Court of King's Bench for the time being; the Right Honourable Arthur Onſlow Eſquire, Speaker of the Houſe of Commons, and the Speaker of the Houſe of Commons for the time being; the Right Honourable Sir Henry Brydges, Knight of the moſt Honourable Order of the Bath, commonly called Lord Marquis of Carnarvon; the Right Honourable Charles Cranfield Sackville Eſquire, commonly called Earl of Middleſex; the Right Honourable Harry Powlet Eſquire, commonly called Lord Harry Powlet; the Right Honourable Vere Beauclerc Eſquire, commonly called Lord Vere Beauclerc; the Right Honourable Sidney Beauclerc Eſquire, commonly called Lord Sidney Beauclerc; the Right Honourable Charles Cavendiſh Eſquire, commonly called Lord Charles Cavendiſh; the Right Honourable Henry Howard Eſquire, commonly called Lord Morpeth; the Right Honourable Thomas Lord Viſcount Gage in the Kingdom of Ireland, the Right Honourable Henry Lord Viſcount Palmerſton in the Kingdom of Ireland, the Right Honourable Charles Lord Baltimore in the Kingdom of Ireland, the Right Honourable William Lord Sundon in the Kingdom of Ireland, the Right Honourable Sir Conyers D'Arcy, Knight of the moſt Honourable Order of the Bath, Comptroller of His Majeſty's Houſhold, and the Comptroller of His Majeſty's Houſhold for the time being; the Right Honourable Sir Robert Walpole, Knight of the Moſt Noble Order of the Garter, Chancellor and Under Treaſurer of His Majeſty's Exchequer, and the Chancellor and Under Treaſurer of His Majeſty's Exchequer for the time being; the Honourable Sir Thomas Saunderſon, Knight of the Moſt Honourable Order of the Bath, the Honourable John Finch Eſquire, the Honourable Richard Onſlow Eſquire, the Right Honourable Sir Paul Methuen, Knight of the Moſt Honourable Order of the Bath, the Right Honourable Sir Joſeph Jekyll Knight, Maſter of the Rolls, and the Maſter of the Rolls for the time being; the Right Honourable Sir Charles Wills, Knight of the Moſt Honourable Order of the Bath, the Right Honourable Henry Pelham Eſquire, the Right Honourable Horatio Walpole Eſquire, the Right Honourable Sir Charles Wager, the Right Honourable Sir William Yonge Baronet, and Knight of the Moſt Commiſſioners for building the Bridge.

Honourable Order of the Bath, His Majesty's Secretary at War, and His Majesty's Secretary at War for the time being; the Honourable Thomas Townshend Esquire, the Honourable Colonel William Townshend, the Honourable Richard Arundell Esquire, Surveyor of His Majesty's Works, and the Surveyor of His Majesty's Works for the time being; Sir George Oxenden Baronet, Sir Charles Hotham Baronet, Sir Edward Dering Baronet, Sir William Wyndham Baronet, Sir John Rushout Baronet, Sir William Gage Baronet, and Knight of the most Honourable Order of the Bath, Sir Robert Austen Baronet, Sir Christopher Powell Baronet, Sir Thomas Lyttelton Baronet, Sir Thomas Frankland Baronet, Sir Robert Grosvenor Baronet, Sir Charles Turner Baronet, Sir William Clayton Baronet, Sir John Norris, Sir William Jolliffe, Sir William Chapple, Sir Francis Child, Lieutenant General George Wade, George Doddington Esquire, John Willes Esquire, His Majesty's Attorney General, and the Attorney General for the time being; Dudley Ryder Esquire, His Majesty's Solicitor General, and the Solicitor General for the time being; William Pulteney Esquire, Thomas Winnington Esquire, Thomas Clutterbuck Esquire, Colonel Martin Bladen, George Treby Esquire, John Plumtre Esquire, John Campbell of Pembrokeshire, Esquire, Thomas Archer Esquire, Richard Edgecomb Esquire, Charles Montague Esquire, Colonel John Mordaunt, Colonel John Campbell, James Pelham Esquire, Kenrick Clayton Esquire, Colonel Richard Onslow, Philips Gybbon Esquire, Joseph D'Anvers Esquire, Walter Plumer Esquire, John Crosse Esquire, Townshend Andrews Esquire, Samuel Kent Esquire, William Wollaston Esquire, John Conduit Esquire, William Glanville Esquire, Thomas Duncombe Esquire, Gyles Earle Esquire, Thomas Scawen Esquire, Henry Fox Esquire, Frederick Frankland Esquire, Thomas Hales Esquire, Charles Hanbury Williams Esquire, William Haye Esquire, John Laroche Esquire, Robert Hucks Esquire, James Oglethorpe Esquire, David Polhill Esquire, Thomas Revell Esquire, Samuel Sandys Esquire, John Scrope Esquire, Josiah Burchett Esquire, Colonel John Selwyn, Charles Stanhope Esquire, Thomas Walker Esquire, Edward Walpole Esquire, Francis Whitworth Esquire, Richard Plumer Esquire, John Evelyn Esquire, Daniel Boone Esquire, Thomas Pelham Esquire, Thomas Pelham of Lewes, Esquire, Thomas Pelham junior, Esquire, James Butler Esquire, Thomas Corbett Esquire, John Goddard Esquire, John Hedges Esquire, Richard Elliott Esquire, the Honourable Colonel John Lumley, the Honourable John Cornwallis Esquire, Thomas Brereton Esquire, Henry Parsons Esquire, Colonel Thomas Norton, and all the Members for the time being, who serve in Parliament for the Counties of Middlesex, Surrey, Kent, and Sussex, and for the several Cities, Boroughs, Towns, and Places within the same, and for the Cinque Ports, shall be, and they are hereby constituted and appointed Commissioners for designing, erecting, ordering, and building such Bridge, and for maintaining, preserving, and supporting the same, when built.

Commissioners to meet in the *Jerusalem Chamber* 22 *June*, 1736, and adjourn.

II. And be it enacted by the Authority aforesaid, That the Commissioners aforesaid, or any Nine or more of them, shall meet together at the Jerusalem Chamber in the Deanery at Westminster in the County of Middlesex, on the Twenty second Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty six, and shall then adjourn themselves, and afterwards meet there, or at any other Place, as the said Commissioners, or any Nine or more of them, shall think proper or convenient, as often as it shall be necessary, for putting this Act, or any of the Powers therein contained, in Execution; and

Future Meetings.

if it shall happen, that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Day, then and in such Case the Clerk of the said Commissioners shall, by publick Notice in the London Gazette, to be given at least Ten Days before the next Meeting, appoint the said Commissioners to meet at the Place where the Meeting of the said Commissioners was so appointed to be held within Fifteen Days next after the Day on which such last Meeting of the said Commissioners was appointed to be held; and the said Commissioners shall at all and every their Meetings bear and pay their own Charges and Expences.

Commissioners to appoint in what Manner, and with what Materials the Bridge shall be built.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, and they are hereby impowered, at any time or times after the said Twenty second Day of June, One thousand seven hundred and thirty six, to design, assign, and lay out, how, and in what Manner, and with what Materials, the said intended Bridge shall be made, erected, and built, from the New Palace Yard in the City of Westminster to the opposite Shore in the County of Surrey, and the Ways and Passages to and from the same, and to preserve and keep in Repair such Ways and Passages from time to time, and to make Contracts, and to do all Matters and Things, for carrying on and effecting the Purposes aforesaid, and to cause the same to be effectually done and perfected accordingly.

Its Dimensions.

IV. And to the Intent the Navigation of the said River of Thames may receive no Prejudice, be it enacted by the Authority aforesaid, That when the said Bridge is built cross the said River, there shall remain a free and open Passage, for the Water to pass and repass through the Arches or Passages under the said Bridge, of Seven hundred and sixty Feet at least, within the present Banks of the said River; and also that it shall not be lawful to

No Houses to be erected thereon.

or for the said Commissioners, or their Successors, to erect, or suffer to be erected, any House or Houses upon the said Bridge.

V. And for the preventing wilful and malicious damaging or destroying the said Bridge, or any Part thereof, or hindering or interrupting the building of the same; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously blow up, pull down, or destroy the said Bridge, or any Part thereof, or attempt so to do,

Persons wilfully destroying or damaging the Bridge, to suffer Death.

or unlawfully and without Authority from the said Commissioners or their Successors remove or take away any Works thereto belonging, or in any wise direct or procure the same to be done, whereby the said Bridge or the Works thereof may be damaged, or the Lives of the Passengers endangered; such Offender or Offenders being lawfully convicted shall be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

The Materials of the Bridge vested in the Commissioners.

VI. And be it enacted by the Authority aforesaid, That all Stones, Bricks, Planks, Piles, Iron, and all other Materials, which shall be made use of for or towards building or making the said Bridge, or in or about the same, or for maintaining, repairing, or supporting

the

the ſame, or for making the ſaid River deeper, ſhall always be deemed to belong and appertain to and be the Property of the ſaid Commiſſioners.

VII. And whereas ſeveral Streets, Ways, and Paſſages, on each Side the River of *Thames*, to and from the ſaid Bridge, are ſo narrow, that they may be incommodious to Coaches, Carts, and Paſſengers, and prejudicial to Commerce and trading; **be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall have full Power and Authority to agree with the Owners and Occupiers of Ground, or of ſuch Houſe or Houſes, as they or any Nine or more of them ſhall judge fit to be removed, rebuilt, or pulled down, or any Part of them; and upon the Payment of ſuch Sum or Sums of Money ſo agreed upon are hereby authorized to appoint Workmen to pull the ſaid Houſes down, or cauſe the ſaid Owners or Occupiers to build accordingly; and this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners and all Perſons authorized by them againſt the Heirs, Executors, Adminiſtrators, or Aſſigns of any of the ſaid Owners, as if the ſame had been ſold by Deed of Feoffment, Bargain and Sale, or other Aſſurance in the Law done by Fine and Recovery, or any other way whatſoever.** The Commiſſioners Power of treating with the Owners of Ground, or Houſes to be pulled down,

VIII. And whereas it may happen that ſome Perſons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt or others, who are ſeized of ſome Houſes or Ground which may be neceſſary to be pulled down or purchaſed, and ſet out or aſſigned for making convenient Ways and Paſſages to and from the ſaid Bridge, may be willing to treat and agree to ſell ſuch Houſes and Ground, to perfect ſo uſeful and neceſſary a Work, but are incapable of ſelling, granting, and conveying the ſame, by reaſon of Infancy or other Diſability; **be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, or other Truſtees whatſoever, for or on Behalf of any Infants, Femes Covert, or other** Cestuique **Truſts, and for all and every other Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in, any Houſe or Houſes, or Ground, to ſell and convey to the ſaid Commiſſioners, or to any Nine or more of them, or to their Succeſſors, or to ſuch other Perſon as they ſhall appoint, all or any ſuch Houſes and Ground, or any Part thereof for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding: And that all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, and Truſtees, Corporations Aggregate or Sole, and all other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act; and if it ſhall happen that any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or other Perſons, ſhall refuſe to treat and agree as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered to iſſue out a Warrant or Warrants, Precept or Precepts, directed to the High Bailiff of** Weſtminſter, **or to the Sheriff of the County of** Surrey, **as the Caſe ſhall require; who are hereby authorized and directed accordingly to impanel and return a good Jury of ſubſtantial and diſintereſted Perſons, to appear before the ſaid Commiſſioners, or any Nine or more of them, at ſuch Time and Place, as in ſuch Warrant or Warrants, Precept or Precepts ſhall be appointed; which ſaid Jury, upon their Oaths, to be adminiſtred by the ſaid Commiſſioners or any Nine or more of them (which Oath they are hereby impowered and required to adminiſter) are to inquire into and aſſeſs ſuch Damage and Recompence, as they ſhall judge fit to be awarded to the Owners and Occupiers, or either of them, of any ſuch Houſes or Ground, or any Part thereof, for their reſpective Eſtates and Intereſts in the ſame, as by the ſaid Commiſſioners ſhall be adjudged fit to be pulled down, or converted to the Purpoſes aforeſaid; and ſuch Verdict of the Jury, and Judgement of the ſaid Commiſſioners and their Succeſſors thereupon, and the legal Payment or Tender of the Sum or Sums of Money ſo awarded or adjudged, ſhall be binding to all Intents and Purpoſes whatſoever againſt the ſaid Parties, their Heirs, and Succeſſors, Executors, Adminiſtrators, and Aſſigns, and all others claiming or to claim by, from, or under him, her, them, or any of them reſpectively, any Right, Title, or Intereſt in the ſaid Houſes or Ground, or in the Ground whereon the ſaid Houſes and Edifices ſtand, or thereunto belonging, notwithſtanding; and ſhall be a full Authority for the ſaid Commiſſioners, or any Nine or more of them, to cauſe the ſaid Houſes accordingly to be removed and pulled down, as the Caſe may require.** and with Corporations, Executors, Guardians, &c.

IX. **And be it further enacted by the Authority aforeſaid, That all Sums of Money, or other Conſideration, Recompence, or Satisfaction, to be paid or made purſuant to any ſuch Judgement, Sentence, Decree, or Determination, as ſhall be ſo made by the ſaid Commiſſioners, or any Nine or more of them, as aforeſaid, ſhall be and are hereby charged and chargeable upon all Money which ſhall be raiſed or received for the Purpoſes of this Act, and ſhall be paid thereout accordingly, before the ſaid Bridge ſhall be completely finiſhed and made paſſable.** The Conſideration Money for Purchaſes, &c. how to be paid.

X. **Provided alſo, and be it further enacted, That the ſaid Commiſſioners, or any Nine or more of them, ſhall be and are hereby impowered and required, before the ſaid Bridge ſhall be completely finiſhed and made paſſable, to ſettle, aſſeſs, and determine the Recompence fit to be made to the Lord Archbiſhop of** Canterbury, **and to his Patentees and Leſſees, and all and every other Perſon or Perſons having or claiming to have any Right, Intereſt, or Property in the Horſe Ferry from** Weſtminſter **to** Lambeth, **for and in reſpect of the ſaid Horſe Ferry; and alſo to the poor Watermen of Saint** Margaret's, **and Saint** John **the Evangeliſt in** Weſtminſter, **for and in reſpect of the** Sunday's **Ferry; and in caſe ſuch Recompence cannot be ſettled by Agreement between the ſaid Commiſſioners and the reſpective Owners or Proprietors of the ſaid Ferries, then the ſaid Commiſſioners ſhall proceed to aſſeſs the ſame by a Jury or Juries of the County of** Middleſex, **in the ſame Manner, and with the ſame Powers, as are herein before directed for the aſſeſſing the Damages for Houſes or Ground by this Act directed to be purchaſed for the Purpoſes aforeſaid. And the Verdict of ſuch Jury, and the Judgement of the ſaid Commiſſioners thereupon, ſhall be binding to all Parties, their Heirs, Succeſſors, Executors, and Adminiſtrators; any** Commiſſioners to determine the Recompence to be made for the Damage to the Horſe Ferry, and *Sundays* Ferry.

Law

Law or Usage to the contrary notwithstanding. And the said Commissioners are hereby authorized and required to cause such Recompence to be paid out of the Monies intended to be raised for the Purposes of this Act.

The Loss to the Archbishops of *Canterbury* how to be recompensed,

XI. Provided nevertheless, That the Recompence to be made and paid for and in respect of the Interest of the Lord Archbishop of Canterbury, in the Horse Ferry from Westminster to Lambeth, shall be paid to the Archbishop for the time being, to be laid out as soon as conveniently may be in the Purchase of Lands of Inheritance (to be conveyed to the said Archbishop and his Successors) to the Use of the said Archbishop and his Successors for ever, and shall be deemed Part of the Possessions of the said Archbishoprick, subject to the Power of leasing the same for the best Rent which can be obtained for the same, and for such Term of Years, or for Lives, and with all other Powers, which by Law the Archbishop for the time being hath over the other Lands belonging to the said Archbishoprick; and in the mean time, and until such Purchase, the Money for such Recompence shall be placed out by the said Archbishop in some of the publick Funds, and the Interest thereof shall be applied in the same Manner as the Rents and Profits of such Lands when purchased are to be applied;

as also the *Sunday*'s Ferry.

and as to the Recompence to be made and paid for and in respect of the Interest of the poor Watermen of Saint Margaret's and Saint John the Evangelist's in Westminster, in the Sunday's Ferry, the Money for the said Recompence shall be paid to the Overseers and Rulers, Auditors and Assistants, of the Society or Company of Wherrymen, Watermen, and Lightermen, upon the River of Thames, between Gravesend and Windsor, to be laid out by them, or the major Part of them, in some of the publick Funds, and the Income and yearly Produce of the said Money to be distributed amongst such poor, aged, decayed, and maimed Watermen, and their Widows, of the said Parishes, in such Manner and Proportion as shall be thought proper from time to time by the said Overseers and Rulers, Auditors and Assistants, or the major Part of them.

ers Power with regard to Juries impanelled to assess Damages.

XII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall be and are hereby impowered to administer an Oath to, and thereupon to examine, all and every such Witness or Witnesses as shall be produced to give Evidence to the said Jury, and to use all other lawful Ways and Means, as well for their own, as for the better Information of the Juries in the Premisses, as they the said Commissioners, or any Nine or more of them, shall think fit; and in case of any Default of a sufficient Number of Jurymen, the said High Bailiff of Westminster, or Sheriff of the County of Surrey, respectively, shall return other honest and indifferent Men of the Standers by, or that can be speedily procured to attend that Service, to the Number of Twenty four; and that all Persons concerned shall from time to time have their lawful Challenges against any of the said Jurymen, when they come to be sworn; and that the said Commissioners, or any Nine or more of them, acting in the Premisses, shall have Power from time to time to impose any reasonable Fine on such High Bailiff or Sheriff, or their Deputy or Deputies, Bailiffs or Agents respectively making Default in the Premisses, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, who shall not appear, or who shall refuse to be sworn on the said Jury or Juries, or, being so sworn, shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premisses, contrary to the true Intent and Meaning of this Act; and from time to time to levy such Fine or Fines by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Nine or more of them, by Distress and Sale of the Offender's Goods, returning the Overplus (if any) to the Owner; and all such Fines shall be applied to the Use of the poor, aged, decayed, and maimed Watermen, and their Widows, of the Parish of Saint Margaret, and Saint John the Evangelist in Westminster, in such Manner as is directed by an Act passed in the Eleventh and Twelfth Year of the Reign of his late Majesty King William the Third, of Glorious Memory, intituled,

11 *Will.* III. *cap.* 21.

An Act for the Explanation and better Execution of former Acts made touching Watermen and Wherrymen rowing on the River *Thames*, and for the better ordering and governing the said Watermen, Wherrymen, and Lightermen upon the said River, between *Gravesend* and *Windsor*.

XIII. And forasmuch as the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and making and widening the Ways and Passages thereto from time to time, and the purchasing such Houses and Ground, as aforesaid, will be attended with considerable Charge and Expence; be it enacted by the Authority aforesaid, That for and towards raising a Sum not exceeding Six hundred twenty five thousand Pounds for the Purposes herein mentioned, it shall and may be lawful for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to contribute or advance for and towards raising the Sum of Six hundred twenty five thousand Pounds, by paying at or before the respective Days or Times, to be appointed as herein after is mentioned, in that Behalf, into the Bank of England, or to such Cashier or Cashiers, as shall by the Directors of the Bank be appointed for that Purpose, the Sum of Five Pounds, or diverse intire Sums of Five Pounds, for which Sum or Sums so advanced, he, she, or they, so advancing the same, shall be intitled to receive by virtue of this Act, such Sum or Sums of Money as are hereby directed or appointed; and such Sum or Sums of Five Pounds each, are hereby directed to be paid into the said Bank, or to the Cashier or Cashiers to be appointed as aforesaid, at such Time or Times and in such Proportions at a Time, on or before such a Day, as shall by the herein after named Managers and Directors be appointed in that Behalf, who are hereby directed and required to give publick Notice of the same in the London Gazette. *

625,000*l.* to be raised by way of Lottery.

* *The following twenty one Sections, directing the drawing of the Lottery, are omitted.*

XXXV. And it is hereby further declared and enacted by the Authority aforesaid, That the Residue of the Money arising and to be contributed by virtue of and upon the Credit of this Act, which after Payment of the Sum of Five hundred twenty five thousand Pounds, hereby directed to be issued to the Proprietors of the Fortunate Tickets respectively, the Payment of the Salaries and Rewards to the said Managers and Directors, and the Clerks, Agents, and Officers, employed by them, and other the incident Charges and Expences attending the passing and Execution of this Act, as aforesaid, will then remain, shall be paid into the Hands of such Treasurer or Treasurers, as shall be appointed under the Hands and Seals of the said Commissioners, or any Nine or more of them pursuant to this Act, at such Times,

The Residue of the Money, after Payment of the Fortunate Tickets, to be applied towards the Bridge.

and

and by such Sums, as the said Commissioners, or any Nine or more of them, shall from time to time direct and appoint (such Treasurer or Treasurers first giving Security to the said Commissioners, or any Nine or more of them, for the due Application of the said Money, and accounting for the same) and shall be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and making and widening the Passages and Ways thereto from time to time, and the purchasing such Houses and Grounds as aforesaid, in such Manner, and at such Times, as the said Commissioners, or any Nine or more of them, shall from time to time direct. *

* *The two following Sections prohibiting the selling Chances, or keeping Offices for that purpose, are omitted.*

XXXVIII. And be it further enacted by the Authority aforesaid, That all Artificers and others who shall make any Contract or Agreement with the said Commissioners for building or finishing all or any Part of the Bridge intended to be built by virtue of the Powers given in and by this Act, or other Purposes herein mentioned, shall give Security, to be approved by the said Commissioners, or any Nine or more of them, for the due Performance of all and every the Matters and Things contained in such Contracts and Agreements according to the true Intent and Meaning of the same.

All Artificers contracting with the Commissioners to give Security for Performance.

XXXIX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and their Successors, or any Nine or more of them, at any Time or Times hereafter, by Writing or Writings under their Hands and Seals to nominate and appoint such Person to be Treasurer, and also such Person or Persons to be Clerk or Clerks, and such other Officers as they shall think fit, for the receiving and paying the Monies to be received and paid in pursuance of this Act, and for doing such other Acts as may be necessary to be done in the Execution of the Powers and Authorities hereby given to the said Commissioners, which Treasurer, Clerks, and other Officers shall from time to time be removeable at the Will and Pleasure of the said Commissioners, or any Nine or more of them, by Instrument in Writing under the Hands and Seals of the said Commissioners, or any Nine or more of them; and the said Commissioners, or any Nine or more of them, shall and may make such Allowances unto such Treasurer, Clerk or Clerks, and all other Officers and Persons to be employed by and under the said Commissioners, for their Care and Pains in the Execution of their respective Offices, as the said Commissioners shall think reasonable; and the said Treasurer, Clerk, and other Officers, shall upon Oath if required give in a true, exact, and perfect Account in Writing, under their respective Hands, from time to time, of all Monies which they or every or any of them shall have received, paid, and disbursed by Virtue of this Act, or by Reason of their respective Offices; which Oath the said Commissioners, or any Nine or more of them, are hereby impowered to administer.

Commissioners to appoint a Treasurer, Clerk, &c. who are to account.

XL. And be it further enacted by the Authority aforesaid, That there shall be provided and kept by the Treasurer to be appointed pursuant to this Act, One or more Book or Books, in which all Monies received by him by virtue of this Act, or for any the Purposes thereof, and all Payments and Disbursements out of the same by Order or Direction of the said Commissioners, or any Nine or more of them (all which said Orders and Directions shall be under their Hands in Writing) shall from time to time be fairly set down and entred, truly expressing the Times when, and the Names of the Persons respectively from or to or by whom the same were so received and disbursed, and for what Uses or Purposes; and that Four Times at least in every Year, or oftner if required by the said Commissioners, or any Nine or more of them, the Account from the said Books so to be kept as aforesaid, shall be fairly drawn out, stated, and signed by the said Treasurer, and delivered by him to the said Commissioners; which said Commissioners, or any Nine or more of them, are hereby impowered to discharge such Treasurer so accounting, of all such Monies as he shall have fairly and truly accounted for as aforesaid; and the said Accounts, together with all Copies of all Contracts or Agreements from time to time made by the said Commissioners for any the Purposes of this Act, shall be delivered to each House of Parliament within Fourteen Days after the opening of every Session of Parliament.

Treasurer to enter all Payments and Disbursements.

The Accounts to be stated and signed 4 Times in every Year,

and delivered to the Parliament.

XLI. Provided always, That no Person appointed or to be appointed a Commissioner for putting this Act in Execution, or any of the Trusts or Powers aforesaid, shall be capable of acting as a Commissioner, during such Time as he shall have or execute any Office or Place of Profit by or under the Authority of this Act, or during such Time as he shall have any Share or Interest in any Contract or Agreement for effecting the Purposes aforesaid.

Commissioners accepting of any Place of Profit, uncapable of acting as Commissioners.

XLII. And be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Commissioners, and their Successors, and their Agents, and Servants, or Officers, from time to time, to remove and carry away any Shelves, or Gravel, or Sand, in the said River of Thames, in order to make the same River deeper.

Commissioners may remove Shelves, Gravel, &c.

XLIII. And be it enacted by the Authority aforesaid, That for supporting and continuing a sufficient Number of fit and able Persons to be Commissioners for putting in Execution the Powers and Trusts contained in this Act, when any of the said Commissioners shall die, or refuse to act, the surviving or remaining Commissioners, or any Nine or more of them, shall by Instrument in Writing under their Hands and Seals from time to time elect, nominate, and appoint, in the Room of such Commissioner or Commissioners so dying or refusing to act, so many more fit and able Persons, Notice being first given in the London Gazette, at least Ten Days before that a general Meeting of the Commissioners will be held for electing Commissioners in the Room of such Persons as shall refuse to act or happen to die; and every new Commissioner so to be elected, nominated, and appointed, shall have full Power and Authority to act and do in all Things relating to the Premisses, in as full, large, and ample Manner, to all Intents and Purposes, as any of the Commissioners hereby nominated and appointed.

On Death or Refusal to act in the said Commission, other Commissioners to be chosen.

XLIV. Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, or take away any Right, Property, or Jurisdiction of the Mayor, or of the Mayor, Commonalty, and Citizens, of the City of London, to, in, and upon the River of Thames aforesaid, other than and except to remove any Shelves as aforesaid, or to deepen or widen the River

This Act not to prejudice the City of *London*.

River in or near the Place where the said Bridge shall be built, and to do every other Matter or Thing which shall or may be necessary to be done and effected for the erecting, maintaining, and supporting the said Bridge.

Charges of this Act how to be paid.

XLV. And be it further enacted by the Authority aforesaid, That all Cost and Charges expended in obtaining or by Reason of passing this present Act of Parliament, shall as soon as may be, be paid out of the Money directed to be raised for the Purposes of this Act.

The Bridge to be deemed extraparochial.

XLVI. And be it enacted by the Authority aforesaid, That the said Bridge shall not be rated or assessed for or towards the Land Tax, the Repairs of Highways, Poors Rate, Churchwardens, or any other Parish Rate whatsoever; nor shall the said Bridge, or any Part thereof, be deemed or looked upon to belong to, or to be within any Parish, but be Extraparochial to all Intents and Purposes whatsoever.

Surrey and *Middlesex* exempted from repairing the Bridge.

XLVII. Provided always, and it is hereby enacted and declared, That the said Bridge, when built, shall not be deemed or taken to be a County Bridge, so as to subject the Counties of Surrey and Middlesex, or either of them to the repairing or supporting the same.

Limitation of Actions.

XLVIII. And be it enacted by the Authority aforesaid, That if any Action shall be brought or Suit commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premisses, or any of them, every such Action or Suit shall be laid or brought within Six Months next after the Fact done, and shall be laid or brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action

General Issue.

may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place, than as aforesaid, then the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if

2 Barnes. 415.

Treble Costs.

upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the said Defendant or Defendants shall have treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

Publick Act.

XLIX. And it is hereby declared, That this Act is a publick Act, and shall be deemed and taken Notice of as such, by all Judges, Justices, and others, in all Courts and Places, without pleading the same.

CAP. XXX.

An Act to prevent the listing His Majesty's Subjects to serve as Soldiers without His Majesty's Licence.

Preamble.

WHEREAS divers of His Majesty's Subjects have been of late seduced to enlist themselves to serve as Soldiers under foreign Princes, States, or Potentates, which Practice is highly prejudicial to the Safety and Welfare of this Kingdom; for Remedy thereof be it enacted by the Kings most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if

Enlisting or procuring His Majesty's Subjects to enlist in foreign Service, Felony without Benefit of Clergy.

any Subject of the Crown of Great Britain, from and after the Twenty fourth Day of June next, shall within the Kingdom of Great Britain or Ireland, or from and after the Twenty ninth Day of September next without the same, enlist or enter himself, or if any Person shall procure any Subject of His Majesty, His Heirs, or Successors, to enlist or enter himself, or hire or retain any Person being a Subject of His Majesty, His Heirs, or Successors, with an Intent to cause such Person to enlist or enter himself, or procure any Person being a Subject of His Majesty, His Heirs, or Successors, to go beyond the Seas, or embark, with an intent and in order to be enlisted to serve any foreign Prince, State, or Potentate, as a Soldier, without Leave or Licence of His Majesty, His Heirs, or Successors, first had and obtained for enlisting any of the Subjects of His Majesty, His Heirs, or Successors, to serve any such foreign Prince, State, or Potentate, as Soldiers, under the Sign Manual of His Majesty, His Heirs, or Successors, every such Person so offending, being thereof lawfully convicted, shall be taken, deemed, and adjudged, to be guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Offences against this Act committed out of the Realm, may be tried in any County of *England*.

II. And be it further enacted by the Authority aforesaid, That where any Offence against this Act shall be committed out of this Realm, the same may be alledged to be committed, and may be laid, enquired of, and tried, in any County in England.

Persons inveigled so to list themselves, making a Discovery in 14 Days to a Justice or Magistrate, indemnified.

III. Provided always, and be it further enacted by the Authority aforesaid, That in case any Person so enlisted, or inveigled, or enticed to go beyond the Seas in order to be enlisted, as a Non-commissioned Officer, or private Soldier, in any foreign Service, without His Majesty's Licence first had and obtained as aforesaid, shall within Fourteen Days after such Enlisting or Agreement to go beyond the Seas voluntarily discover upon Oath before any of His Majesty's Justices of the Peace or other civil Magistrate, the Person or Persons by whom he was so enlisted, inveigled, or enticed, as aforesaid, so as he or they may be apprehended and convicted of the said Offence, such Person or Persons so discovering as aforesaid shall be indemnified from the Penalty inflicted by this Act, and all other Penalties whatsoever on account of the said Offence.

CAP. XXXI.

An Act for continuing the Duty of Two Penies *Scots*, or one sixth of a Peny *Sterling*, on every Pint of Ale and Beer, that shall be vended or sold within the City of *Glasgow*, and for extending the same over the Villages of *Gorbells* and *Port Glasgow*, and Privileges thereof, for the Benefit of the said City and Villages.

Whereas

WHEREAS the annual Revenues of the City of *Glaſgow* fall very ſhort of defraying the yearly Expence of maintaining the Government, paying Miniſters Stipends, and repairing and preſerving Cauſeways, Roads, Bridges, Churches, Hoſpitals, and other publick Buildings and Works neceſſary for the Accommodation of the numerous Inhabitants of the ſaid City, and for the Encouragement of the Trade and Commerce thereof: And whereas for the better Support of the ſaid City an Act paſſed in the Parliament of *Scotland*, in the Fourth Year of the Reign of their late Majeſties King *William* and Queen *Mary*, granting to the City an Impoſition of Two Penies *Scots* upon each Pint of Ale and Beer brewed in, brought, vended, tapped, and ſold within the ſaid City and other Places therein mentioned, for the Term of Sixteen Years, which Grant was, by another Act of the Parliament of *Scotland*, in the Third Year of the Reign of her late Majeſty Queen *Anne*, continued for the further Term of Sixteen Years, and by an Act of the Firſt Year of his late Majeſty King *George* the Firſt, was continued till the Firſt Day of *November*, which ſhall be in the Year One thouſand ſeven hundred and thirty eight: And whereas the yearly Produce of the ſaid Impoſition ſo granted, when added to the City's annual Revenue, falls ſhort of the neceſſary annual Expence, ſo that the City muſt be obliged to leave the neceſſary Works undone, which will very much check the growing Induſtry and Commerce thereof, to contract Debts for anſwering thoſe Expences, which muſt end in the utter Deſtruction of the Government of the City, unleſs ſome Remedy is found: And whereas the Village of *Gorbells*, which is divided from *Glaſgow* only by the River *Clyde*, holds few of the ſaid City, and has its Support alone from the Trade thereof enjoying almoſt every Privilege equal with the City, and reaping the Fruit of the Expence laid out by them in making and repairing Roads and Bridges, at the ſame time that the City is at a conſiderable Expence in paving the Streets of the ſaid Village, though the ſaid Village is not at preſent contributary to that Expence: And whereas the City of *Glaſgow* purchaſed the Village of *Port Glaſgow* for the Accommodation of their Trade, and have at great Expence built, and are at a continued neceſſary Expence in maintaining and enlarging a very commodious Harbour there, which occaſions that Reſort and Commerce, by which they obtain conſiderable Profit and Advantage: And whereas the Extenſion of the Impoſition or Duty of Two Penies *Scots*, or One ſixth of a Peny *Sterling* upon Ale and Beer, over the ſaid Villages of *Gorbells* and *Port Glaſgow*, which reap the Benefit of the Commerce as well as the Expence of the ſaid City, will enlarge the Produce of the ſaid Duty granted to the City, and enable them to carry on the Government, and defray the neceſſary Expence thereof, *&c.*

Preamble, reciting the Acts 4 *W.* & *M.* 3 *Annæ*, 1 *Geor.* I.

The Duties are farther continued for 25 *Years from* 1 Nov. 1738.

CAP. XXXII.

An Act for continuing, for the Purpoſes therein mentioned, the additional Duties upon ſtamped Vellum, Parchment, and Paper, laid by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt.

WHEREAS by an Act of Parliament made and paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for Relief of the Suitors of the High Court of Chancery*, after reciting (amongſt other Things) that *Fleetwood Dormer*, and *John Borrett*, Eſquires, both deceaſed, formerly Maſters of the ſaid Court, and *Richard Godfrey*, and *Edward Conway*, Eſquires, then Maſters of the ſame Court, had been deficient in anſwering the Money and Effects ordered by the Court into their Hands, and which Deficiency, after deducting what ſhould be made and produced out of the Eſtates and Effects of the ſaid deficient Maſters, and the Sum of Thirty thouſand Pounds given by His Majeſty on the Addreſs of the Houſe of Commons towards the Relief of the ſaid Suitors, amounted (according to the then Computation) to the Sum of Fifty one thouſand eight hundred and fifty one Pounds, nineteen Shillings, and eleven Pence Farthing, beſides ſeveral other Claims on the Offices of Four of the ſaid deficient Maſters remaining, and which (if allowed) would greatly increaſe the ſaid Deficiency; it was, for Relief of the ſaid Suitors, and making a Proviſion for Payment of their juſt Debts and Demands, enacted, That a Duty of Sixpence on certain Writs, and other Law Proceedings therein mentioned, ſhould be raiſed, levied, and paid for the Term of Sixteen Years, from the Second Day of *Auguſt*, One thouſand ſeven hundred and twenty ſix, to be under the Direction and Management of the Commiſſioners of the Stamp Duties; and that the Money thereby to be raiſed and collected ſhould be paid into the Bank of *England*, and the ſaid Court of Chancery was thereby impowered to borrow any Sum of Money upon the Fund thereby granted, not exceeding in the whole the Sum of Sixty thouſand Pounds; and it was thereby enacted, That all the Money then depoſited, or thereafter to be depoſited, in the Bank, on account of the Suitors of the ſaid Court of Chancery, or by Order of the ſaid Court, and all the Monies ariſing by the Rates and Duties given by the ſaid Act, or borrowed thereon, and paid into the Bank, ſhould be accounted and taken to be one common and general Caſh, and ſhould be promiſcuouſly iſſued and iſſuable, when and as the Court of Chancery ſhould direct, for the anſwering, paying, and clearing the Debts and Demands of any of the Suitors of the ſaid Court; and the ſaid Court of Chancery were by the ſaid Act authorized and impowered, with all convenient Speed to determine the Claims and Demands of the Suitors upon the Offices of the ſaid *Fleetwood Dormer*, *John Borrett*, *Richard Godfrey*, and *Edward Conway*, in a ſummary Way, and cauſe to be done therein what ſhould be equitable and juſt: And whereas upon the final ſettling and determining the Claims and Demands of the Suitors of the ſaid Court of Chancery upon the Offices of the ſaid Four Maſters it appeared, that the total Deficiency of the ſaid Four Maſters amounted to One hundred and three thouſand ſix hundred and thirty five Pounds, ſix Shillings, and two Pence, and there hath reſulted and been produced from the ſaid Thirty thouſand Pounds ſo given by His Majeſty, and the Intereſt attending the ſame, the Sum of Thirty nine thouſand eight hundred and thirty four Pounds, ſixteen Shillings, and ſeven Pence, conſiſting of Twenty thouſand five hundred and thirty four Pounds, ſixteen Shillings, and ſeven Pence, Caſh in the Bank, and Nineteen thouſand three hundred Pounds, Land Tax Orders depoſited alſo in the Bank, and there hath been raiſed and collected by and out of the Duties directed to be levied by the ſaid former Act, from the Second Day of *Auguſt*, One thouſand ſeven hundred and twenty ſix, to the Third Day of *March*, One thouſand ſeven hundred and thirty five, the Sum of Thirty eight thouſand nine hundred and eight Pounds, nineteen Shillings, and nine Pence, which, with the ſaid Sum of Thirty nine thouſand eight hundred and thirty four Pounds, ſixteen Shillings, and ſeven Pence, making together Seventy eight thouſand ſeven hundred and forty three Pounds, ſixteen Shillings, and four Pence, and being deducted out of the ſaid Sum of One hundred and three thouſand ſix hundred and thirty five Pounds, ſix Shillings, and two Pence, the Deficiency ſtanding out on the Eighth Day of *March*, One thouſand ſeven hundred and thirty five, on the Offices of the ſaid Four Maſters, was reduced to the Sum of Twenty four thouſand eight hundred and ninety one Pounds, nine Shillings, and ten Pence: And whereas there is due from *John Bennett* Eſquire, one

Preamble, reciting the Act 12 *Geor.* I. *cap.* 33.

His Majeſty's Gift of 30,000*l.*

Firſt Deficiency on Four Maſters Account.

The Duty of 6*d.* on Writs, *&c.* for ſupplying it.

Total Sum of the Deficiency on adjuſting the Claims of Suitors.

Sum raiſed by the ſaid Duty to ſupply the Deficiency.

Deficiency of *John Bennett* Esq;

of the Masters of the said Court, to *Humphry Bell* the surviving Assignee of the Estate and Effects of *William Ellins* and *Edmund Farrington* under a Commission of Bankruptcy awarded against them, the Sum of Eleven thousand four hundred and eighty five Pounds, four Shillings, and five Pence, with Interest from the Eleventh Day of *March*, One thousand seven hundred and thirty four, and that the said *John Bennett* hath no Estate or Effects left to satisfy the said Debt or any Part thereof: And whereas it is computed that the Duties granted by the former Act will not be sufficient to raise the said Sum of Twenty four thousand eight hundred and ninety one Pounds, nine Shillings, and ten Pence, so standing out on the Eighth Day of *March*, One thousand seven hundred and thirty five, and also the said Sum of Eleven thousand four hundred and eighty five Pounds, four Shillings, and five Pence, so due from the said *John Bennett* to the Estate of the said Bankrupts, unless the said Duties be further continued, and the Time for raising the same be enlarged; and in regard the Assignees and Creditors of the said Bankrupts were not acquainted with the Insolvency of the said *John Bennett*, so may reasonably and within the Design and Meaning of the former Act be intitled to such and the like Relief, as was given to and provided for the other Suitors of the Court of Chancery, by and under the same Act; **wherefore we Your Majesty's most dutiful and loyal Subjects the Commons of** Great Britain **in Parliament assembled, being desirous to provide for the Relief of the Creditors of the said Bankrupts claiming under the said Commission, do give and grant unto Your Majesty for that Purpose the Sum of Eleven thousand four hundred and eighty five Pounds, four Shillings, and five Pence, to be raised by continuing the Duties herein before mentioned for a further Term, and therefore do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Duties granted by the said former Act, shall, by virtue of this Act, be continued, and be payable and paid upon the several Writs and Law Proceedings in the said former Act mentioned, for the further Term of Four Years, to be computed from the Second Day of** August, **which shall be in the Year of our Lord One thousand seven hundred and forty two; and that the said former Act, and all Powers, Provisions, Penalties, Articles, and Clauses therein contained, for and concerning the said Duties, shall continue, and be in full Force for the said further Term of Four Years, to commence and be computed as aforesaid, and shall be applied, practised, and executed, for raising, levying, collecting, paying, and applying the same, as fully to all Intents and Purposes as if all and every the Clauses, Powers, Matters, and Things in the said former Act contained had been or were in this Act repeated, and again particularly enacted.**

The Duties granted by the former Act further continued for 4 Years, after 2 *Aug.* 1742.

11,485*l.* 4*s.* 5*d.* to be paid out of the Bank, by Direction of the Court of Chancery, on the Deficiency of *J. Bennett*.

II. **And it is hereby further enacted, That out of the before mentioned Sum of Thirty eight thousand nine hundred and eight Pounds, nineteen Shillings, and nine Pence, which has arisen and been collected by and out of the Duties directed to be levied by the said former Act, from the Second Day of** August, **One thousand seven hundred and twenty six, to the Third Day of** March, **One thousand seven hundred and thirty five, as aforesaid, there shall be placed to the Credit of the Account,** Ex parte Meyer, **in the Books of the Accountant General of the Court of Chancery, and of the Bank, the Sum of Eleven thousand four hundred eighty five Pounds, four Shillings, and five Pence, and that the same shall be issued and paid out of the General and Common Cash of the Bank, when and as the Court of Chancery shall direct, in Satisfaction of the said Debt due from the said** John Bennett **to the Assignee of the said Bankrupts Estate.**

Surplus Monies reserved to the Disposition of Parliament.

III. **Provided always, and it is hereby declared and enacted, That when and as soon as the Deficiency of the Suitors Money directed and appointed to be answered and paid by the former and this present Act, and all the Money to be borrowed on the Credit of the same, if necessary, shall have been fully paid and satisfied, then and from thenceforth all the Surplus Monies, which shall have been raised out of the said Duties given, granted, and continued by the said former and this present Act, over and beyond what shall be sufficient for answering such Deficiency, and Money lent, shall be reserved for the Benefit of the Publick, and shall not be applied to any other Use or Uses, than such as shall be hereafter directed by Parliament.**

CAP. XXXIII.

An Act to render the Law more effectual for preventing the Importation of fresh Fish taken by Foreigners, and to explain so much of an Act made in the Thirteenth and Fourteenth Year of the Reign of King *Charles* the Second, as relates to Ships exporting Fish to the Ports of the *Mediterranean Sea*, and for the better Preservation of the Fry of Lobsters on the Coasts of *Scotland*.

Preamble, reciting the Act 1 *Geo.* I. *c.* 18.

WHEREAS by an Act made in the First Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for the better preventing fresh Fish taken by Foreigners being imported into this Kingdom, and for the Preservation of the Fry of Fish, and for the giving leave to import Lobsters and Turbets in foreign Bottoms, and for the better Preservation of Salmon within several Rivers in that Part of this Kingdom called* England, it is (amongst other Things) enacted, That from and after the Twenty ninth Day of *September*, One thousand seven hundred and fifteen, no Herring, Cod, Pilchards, Salmon, or Ling, fresh or salted, dried or bloated, nor any Grill, Mackrel, Whiting, Haddock, Sprats, Coal Fish, Gull Fish, Congers, or any Sort of flat Fish, nor any other Sort of fresh Fish whatsoever, shall be imported into, sold, or exposed to Sale, in that Part of this Kingdom called *England*, which shall be taken by, bought of, or received from, any Foreigner or Foreigners, or out of any Stranger or Strangers Bottom (except Protestant Strangers inhabiting within this Kingdom) nor shall any Person or Persons give or exchange any Goods, or other Things, in exchange for any Sort of Fish so taken as aforesaid: And it is thereby further enacted, That every Master or Commander for the time being of any Smack, Hoy, Yager, Boat, or other Vessel, in which any Fish shall be imported or brought to Shore contrary to the true Intent and Meaning of the said Act, and being thereof lawfully convicted in the Manner thereby directed, shall forfeit for every such Offence the Sum therein mentioned, to be levied and disposed of in such Manner as by the said Act is directed, or in Default of Payment of the said Sum or sufficient Distress shall be committed to the common Gaol as in the said Act is directed: And whereas it is by the said Act provided, That no Person shall suffer any Punishment for any Offence committed against the said Act, unless the Prosecution for the same be commenced within One Month after

after such Offence committed: And whereas the Penalties inflicted by the recited Clause of the said Act herein before recited are not sufficient to deter Persons from offending against the same: And whereas by reason of the short Time limited for Prosecution of Offences committed against the said Act many Offenders against the same escape Punishment; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty six, every Person offending against the Clause of the said Act herein before recited shall forfeit and pay the Sum of One hundred Pounds, to be recovered by any Informer in any of the Courts in Westminster Hall, and to be distributed and disposed of in the Manner following, that is to say, One Moiety thereof to the Informer, and the other Moiety thereof to the Poor of the Parish where such Offence shall be committed; and the Master or Commander of every Smack, Hoy, Yager, Boat, Ship, or other Vessel, in which any Fish shall be imported, or brought to Shore, contrary to the true Intent and Meaning of the said Act herein before recited, and of this present Act, shall forfeit and pay the Sum of Fifty Pounds, to be recovered by any Informer, and to be disposed of in like Manner as before recited.

After 24 *June*, 1736, every Person importing Fish contrary to the Act 1 *Geo.* I. to forfeit 100 *l.* and the Master of the Vessel 50 *l.*

II. Provided always, That no Person shall incur any Penalty or Forfeiture for any Offence committed against this Act, unless the Prosecution for the same be commenced within Twelve Months after such Offence committed.

Prosecution to be commenced in 12 Months after the Fact.

III. And whereas by an Act of Parliament made in the Thirteenth and Fourteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Frauds, and regulating Abuses, in His Majesty's Customs*, it is for the better Increase of good and serviceable Shipping and securing the publick Trade and Commerce enacted, That all and every Merchant or other Person, that should after the Twenty ninth Day of *September*, One thousand six hundred and sixty two, export any Goods or Merchandizes from any Port of this Kingdom capable of a Ship or Vessel of Two hundred Tons upon an ordinary full Sea to any Port or Place of the *Mediterranean Sea* beyond the Port of *Malaga*, or import any Goods or Merchandize from the Ports or Places aforesaid to any Port of this Kingdom, in any Ship or Vessel that should not have Two Decks and should carry less than Sixteen Pieces of Ordnance mounted together with Two Men for each Gun and other Ammunition proportionable should pay a Duty of One *per Centum* for all and every the Wares so exported or imported, over and above the Rates and Duties of Subsidy of Tunnage and Poundage otherwise due and payable for the same; and in the same Act it is provided, That it should and might be lawful to export from any of His said Majesty's Dominions Fish into any of the Ports of the *Mediterranean Sea* aforesaid in any *English* Ship or Vessel whatsoever, provided One Moiety of her full Loading should be Fish only, and in such Case to import any Wares or Merchandize in the same Ship for that Voyage, without paying any other Rates or Duties for the same than were then before accustomed: And whereas some Doubts and Disputes have arisen, whether the Exemption granted by the said Act in Favour of any *English* Ship or Vessel, whereof One Moiety of her full Loading should be Fish only, should be construed to extend to the Benefit and Advantage of the Owner or Owners of such Ship or Vessel, in case One Moiety of her full Loading should consist of foreign Fish: To prevent therefore the said Doubts and Disputes for the future, and for the greater Encouragement of the British Fisheries, be it further enacted by the Authority aforesaid, That no British Ship or Vessel trading to any Port or Place of the Mediterranean Sea beyond the Port of Malaga in Manner aforesaid shall be intitled to the Benefit and Advantage of the Exemption granted to such Ship or Vessel in the said Act, for or by reason that One Moiety of the full Loading of such Ship or Vessel shall or may consist of Fish, unless such Moiety of the full Loading of such Ship or Vessel do consist of Fish taken and cured by His Majesty's Subjects only.

A Clause in the Act 13 & 14 *Car.* II. *c.* 11. *for preventing Frauds in the Customs*, explained.

IV. And whereas the destroying the Fry or Spawn of any Fish is highly prejudicial, especially such Fish as do not wander, but keep about the Coasts: And whereas the principal Time for the spawning of Lobsters is from the Beginning of *June* to the First of *September*, in which Three Months the Lobsters crawl close to the Shore to leave their Spawn in the Chinks of the Rocks, and as much under the Influence of the Sun as possible; be it therefore enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and thirty six, no Fisherman or other Person or Persons whatsoever shall with Trunks, Hoop Nets, or any other Way, take, kill, or destroy, any Lobsters on the Sea Coast of that Part of Great Britain called Scotland, from the First Day of June to the First Day of September yearly, under the Penalties of Five Pounds Sterling for each Offence, to be recovered by any Person who shall inform and sue for the same upon a summary Complaint before any Two or more of His Majesty's Justices of the Peace of the Shire on the Coast where any such Offence shall happen to be committed.

5 *l.* Penalty on taking or killing Lobsters on the Coast of *Scotland* between 1 *June*, and 1 *September*, yearly.

CAP. XXXIV.

An Act for enabling His Majesty to borrow any Sum or Sums of Money not exceeding Six hundred thousand Pounds, to be charged upon the Surplusses, Excesses, or Overplus Monies, commonly called *The Sinking Fund*, redeemable by Parliament; and for the further Disposition of the said Fund, by paying off One Million of *South Sea* Annuities; and for appropriating the Supplies granted in this Session of Parliament.

Preamble.

MOST Gracious Sovereign, we Your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain in Parliament assembled, being desirous to raise the necessary Supplies which we have cheerfully granted to Your Majesty, in the easiest Manner we are able for the Benefit of Your Subjects, have freely and voluntarily given and granted, and by this Act do give and grant, unto Your Majesty the Sum of Six hundred thousand Pounds, to be raised in such Manner and Form as is herein after directed; and to that End do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Annuities, which by this Act shall be granted and made payable in respect of the said principal Sum of Six hundred thousand Pounds until Redemption thereof by Parliament in Manner herein after mentioned, shall

600,000 *l.* granted to His Majesty out of the *Sinking Fund*.

shall from and after the Feast Day of Saint John Baptist, One thousand seven hundred and thirty six, be charged and chargeable upon and payable out of the Monies, which from and after the said Feast Day shall from time to time arise and be remaining in the Receipt of His Majesty's Exchequer of or for the Surplusses, Excesses, or Overplus Monies of the Fund commonly called The Sinking Fund, and the said Surplusses, Excesses, or Overplus Monies, are hereby appropriated for that Purpose accordingly.

Annuities at 3 *per Cent.*

II. And for or towards raising the said Sum or Sums of Money not exceeding in the whole the said Sum of Six hundred thousand Pounds, it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, Natives or Foreigners, Bodies Politick or Corporate, to contribute, advance, and pay into the Receipt of His Majesty's Exchequer for His Majesty's Use, at such Time or Times as shall be appointed by the Commissioners of the Treasury or any Three or more of them now being, or by the High Treasurer or any Three or more of the Commissioners of the Treasury for the time being, any Sum or Sums of Money not exceeding the said Sum of Six hundred thousand Pounds, for the absolute Purchase of any certain Annuity or Annuities, to commence from the said Feast Day of Saint John Baptist, One thousand seven hundred and thirty six, and to be paid and payable to such Contributor or Contributors, or such as he, she, or they shall nominate, his, her, or their Executors, Administrators, Successors, and Assigns respectively, until the Redemption thereof by Parliament in Manner herein after contained in that Behalf; which certain Annuities shall be computed at the Rate of Three Pounds per Annum for every One hundred Pounds, and proportionably for any greater Sum so to be advanced and paid, and the purchase Money so paid for every such Annuity at the Rate aforesaid, is hereby appointed to be paid into the Receipt of Exchequer at the Time or Times to be appointed as aforesaid; all which Annuities so to be purchased shall be paid and payable at Two of the most usual Feasts or Days of Payment in the Year (that is to say) The Feast of the Birth of our Lord Christ, and Saint John Baptist, by even and equal Proportions; the first Payment thereof to be due and payable at the Feast of the Birth of our Lord Christ which shall be in the Year of our Lord One thousand seven hundred and thirty six.

payable at *Christmas* and *Midsummer*.

The Names of the Contributors to be entered.

III. And it is hereby enacted, That in the Offices of the Auditor of the Receipt and Clerk of the Pells, there shall be provided and kept a Book or Books, in which there shall be fairly entered the Names of all Persons who shall be Contributors for such certain Annuities as aforesaid, and of all Persons by whose Hands the said Contributors shall pay in any of the said Sums upon this Act, and also the Sums paid for such Annuities; to which Book it shall be lawful for the said respective Contributors, their Executors, Administrators, and Assigns, from time to time and at all seasonable Times to have Resort, and to inspect the same without Fee or Reward.

The Annuities to be deemed a Personal Estate,

IV. And be it further enacted by the Authority aforesaid, That all and every Contributor and Contributors upon this Act, duly paying the Contribution or Purchase Money at the Rate aforesaid at the Time or Times in this Act limited in that Behalf for any such Annuity or Annuities as aforesaid, or such as he, she, or they shall appoint his, her, or their respective Executors, Administrators, Successors, and Assigns, shall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy the respective Annuity and Annuities so to be purchased out of the Monies by this Act appropriated as aforesaid, until the Redemption thereof by Parliament according to the Proviso herein after contained in that Behalf; and that all and every such Purchasers, their Executors, Administrators, Successors, and Assigns, respectively, shall have good, sure, absolute, and indefeazible Estates and Interests in the several Annuities so by them respectively to be purchased according to the Tenor and true Meaning of this Act; and that all such Estates and Interests of and in the said Annuities, and every of them, shall be and be adjudged, taken, and accepted in Construction of Law, and in all Courts of Law and Equity whatsoever, to be a Personal and not a Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or intitled thereunto, and not to the Heirs of such Person or Persons; any Law, Custom, or Usage to the contrary notwithstanding; and that all the said Annuities to be purchased on this Act as aforesaid, and every of them, shall be free from all Taxes, Charges, and Impositions whatsoever.

and be free from Taxes.

Tallies and Orders to be delivered to the Contributors.

V. And be it further enacted by the Authority aforesaid, That every Contributor upon this Act for any such Annuity or Annuities as aforesaid, his, her, or their Executors, Administrators, Successors, or Assigns, upon Payment of the Consideration or Purchase Money for the same at the Rate aforesaid into the said Receipt of Exchequer at the Time or Times in this Act limited in that Behalf, shall immediately have One or more Tally or Tallies levied, importing the Receipt of the Purchase Money as shall be so paid for any such Annuity or Annuities at the Rate aforesaid; and every such Contributor, his, her, or their Executors, Administrators, Successors, or Assigns respectively, shall have an Order for paying the said Annuity or Annuities, until Redemption thereof by Parliament according to the Proviso herein after contained in that Behalf; which Order shall be signed by the Treasurer and Under-treasurer of the Exchequer, or any Three or more of the Commissioners of the Treasury for the time being; and after signing thereof the same shall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning thereof and of this Act; and shall not be determinable by or upon the Deaths or Removal of any Treasurer or Under-treasurer of the Exchequer, or any Commissioner or Commissioners of the Treasury, or by or upon the Determination of the Power, Office, or Offices of them or any of them; nor shall any Lord High Treasurer of Great Britain, Treasurer of the Exchequer, or any Commissioners of the Treasury now or for the time being, have Power to revoke, countermand, determine, or make void such Orders so signed as aforesaid or any of them.

Orders assignable.

VI. And be it further enacted, That the Proprietors of the Orders to be made forth for the said Annuities in pursuance of this Act shall or may from time to time by proper Words of Assignment to be indorsed on his, her, or their Order, assign or transfer his, her, or their

Right, Title, Interest, and Benefit of such Order or Orders, to any other Person or Persons; which being notified in the Office of the Auditor of the Receipt, the Officers there shall cause an Entry or Memorial thereof to be made in the Book of Registry for such Orders without Fee or Charge; and after such Entry made such Assignment shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who shall make such Assignments, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof. Orders assignable.

VII. And whereas it may so happen, that in Process of Time several of the said Standing Orders may become defaced, obliterated, or incumbred with many Assignments indorsed thereon, or by Reason thereof or some other Defects therein it may become necessary that the said defaced, obliterated, incumbred, or otherwise defective Orders, should be taken in and cancelled, and new Orders made forth and delivered to the Owners and Proprietors of the Orders so to be cancelled in lieu thereof; be it therefore enacted by the Authority aforesaid, That in all or any of the said Cases any Three or more of the said Commissioners of the Treasury now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, may, if he or they shall so think fit, from time to time cause to be made forth new Standing Orders for and in lieu of such defaced, obliterated, incumbred, or otherwise defective Orders, so as such defaced, obliterated, incumbred, or otherwise defective Order or Orders be at the same time delivered up and cancelled, and the new Order or Orders to be made out in lieu thereof be made payable to the Person or Persons, who shall appear to be the Proprietor or Proprietors of the said Order or Orders so delivered up and cancelled at the Time of such Delivery up as aforesaid; and the Auditor of the said Receipt aforesaid shall always take care, that such Entries or Memorandums be made upon the said new Orders, as may denote their being made out in lieu of such defaced, obliterated, incumbred, or otherwise defective Orders cancelled, and as may secure the Publick against any double Payments for or by Reason of the making out or issuing such new Orders in Manner aforesaid. New Orders to be made forth in lieu of such as are defaced, &c.

VIII. And for the preventing of all Frauds and Abuses in or about the said Standing Orders, or any Assignments thereof, or the receiving the Annuities due or to grow due thereon; be it enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and assist in the forging or counterfeiting, any Order or Orders made forth or to be made forth in pursuance of this Act, or any Assignment or Assignments of such Order or Orders, or of the Annuities payable thereon, or of any Receipt or Discharge to the Exchequer for the Annuities due or to grow due on any such Order or Orders, or of any Letter of Attorney or other Authority or Instrument to transfer, assign, alien, or convey, any such Order or Orders, or to receive the Annuities due or to grow due thereon, or any Part thereof, or shall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or assist in the forging or counterfeiting any the Name or Names of any of the Proprietors of any such Order or Orders in or to any such pretended Assignment, Receipt, Letter of Attorney, Instrument, or Authority, or shall knowingly or fraudulently demand or endeavour to have or receive any such Annuity or Annuities, or any Part thereof, by virtue of any such forged or counterfeited Receipt, Letter of Attorney, Instrument, or Authority, or shall falsly and deceitfully personate any true and real Proprietor or Proprietors of any of the said Order or Orders, and thereby assigning, or endeavouring to assign, any of the said Order or Orders, or receiving, or endeavouring to receive, the Money of such true and lawful Proprietor, as if such Offender were the true and lawful Owner thereof; then, and in every such Case, all and every Person and Persons, being thereof lawfully convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer as in Cases of Felony without Benefit of Clergy. Forging or counterfeiting Orders, Felony without Benefit of Clergy.

IX. And be it further enacted, for the better encouraging Persons to advance the said Sum of Six hundred thousand Pounds upon the Credit of this Act, That all Receipts and Issues, and all other Things directed by this Act to be performed in the Exchequer, shall be done and performed by the Officers there without demanding or receiving, directly or indirectly, any Fee, Reward, or Gratuity for the same; and in case the Officers of the Exchequer shall take or demand any such Fee or Reward, or shall not keep Books or Registers, and make Entries, and do and perform all other Things which by this Act they are required to perform, every such Officer shall forfeit his Office, and be for the future incapable of any Office or Place of Trust whatsoever, and shall answer and pay treble Damages and Costs of Suit to any Contributor, or Person claiming under him, that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction, or Order of Restraint, or more than one Imparlance shall be granted or allowed; and in the said Action the Plaintiff upon Recovery shall have full Costs of Suit, one Third of which Sum so to be recovered shall be paid into the Receipt of the Exchequer for the Benefit of His Majesty, His Heirs, and Successors, and the other two Thirds shall be to and for the Use of the Prosecutor. Penalty on Officers demanding Fees or Gratuities.

X. Provided always, and it is hereby enacted by the Authority aforesaid, That out of the Monies from time to time arising at the said Receipt of Exchequer, of or for the said Surplusses, Excesses, or Overplus Monies of the Fund commonly called the Sinking Fund, hereby appropriated as aforesaid, it shall and may be lawful to and for the said Commissioners of the Treasury, or any Three or more of them, or the High Treasurer for the time being, to reward the Officers and Clerks in the Exchequer, and others that shall or may be any way employed in the Execution of this Act in relation to the said Annuities to be payable thereupon, for their Labour, Pains, and Service therein respectively, and to discharge and satisfy such incident Charges as shall necessarily attend the Execution of the same, in such Manner as the Commissioners of the Treasury, or any Three or more of them, or the High Treasurer for the time being, shall from time to time think fit and reasonable in that Behalf, any thing in this Act contained to the contrary notwithstanding. Treasury to pay the Officers and Clerks out of the said Fund.

XI. Provided

When the said Annuities shall cease.

XI. Provided also, and it is hereby enacted by the Authority aforesaid, That at any Time upon One Year's Notice to be printed in the London Gazette, and affixed upon the Royal Exchange in London, by Authority of Parliament, at any of the half-yearly Feast Days for Payment of the said Annuities, and upon Repayment by Parliament of the principal Sums for which the said Annuities shall be payable, to such respective Persons or Corporations as shall be intitled to the same Annuities, and also upon full Payment of all Arrearages of the same Annuities, then, and not till then, the said Annuities shall cease and determine, and be understood to be redeemed; and from and after such Redemption, the Monies arising by the said Surplusses, Excesses, or Overplus Monies of the Fund commonly called the Sinking Fund, shall not be issued or applied to any Use or Purpose but as shall be directed by future Act or Acts of Parliament; any thing in this or any former Act or Acts of Parliament to the contrary notwithstanding. And that any Vote or Resolution of the House of Commons, signified by the Speaker in Writing to be inserted in the London Gazette, and affixed on the Royal Exchange in London, as aforesaid, shall be deemed and adjudged to be sufficient Notice within the Words and Meaning of this Act.

One Million of *New South Sea Annuities* to be paid off.

XII. And be it further enacted by the Authority aforesaid, That by or out of such Monies as are or shall be in the Receipt of the Exchequer of the Surplusses, Excesses, or Overplus Monies of the Fund commonly called the Sinking Fund, arisen or to arise at or from the Feast Day of the Birth of our Lord Christ, which shall be in the Year of our Lord One thousand seven hundred and thirty six (after Payment of, or reserving sufficient to pay, such Monies as have been or shall be directed by this or any former Act or Acts of Parliament to be paid out of the same) there shall be issued and applied to the Governor and Company of Merchants of Great Britain, trading to the South Seas, and other Parts of America, and for encouraging the Fishery, at the said Feast Day, and afterwards quarterly from time to time as the same shall arise, such Sum or Sums of Money as shall on such Quarter Day or Days be in the said Receipt of Exchequer, for or towards redeeming Part of the Annuities attending on the Capital Stock of Annuities, commonly called New South Sea Annuities, remaining due to the said Company, until the said Payments shall in the whole amount to the Sum of One Million Sterling; and that as the said Payments of Principal Money shall be from time to time made, a proportionable Part of their said Capital Stock of Annuities, and of the Annuities attending thereon, and of the Allowance for Charges of Management, shall also from time to time cease and determine for the Benefit of the Publick.

The Monies to be equally distributed amongst the Proprietors.

XIII. And be it enacted by the Authority aforesaid, That the said South Sea Company shall forthwith upon the Receipt of the said Sum of One Million, or as soon after as conveniently may be, divide out and distribute as near as conveniently may be done amongst all the several Proprietors of their said Capital Stock of Annuities, towards sinking and discharging so much of their Shares or Interests in the said Capital Stock of Annuities, by even and equal Dividends amongst them all in Proportion to their respective Shares or Interests therein.

Dividends or Trust Estates not to be paid as Dividends of Profit.

XIV. And to the End, Intent, and Purpose, that all Trust Estates and Interests in the said Capital Stock of Annuities of the South Sea Company may be preserved and improved for the Benefit of the Persons concerned therein, with the least Expence and Inconvenience to them; be it enacted by the Authority aforesaid, That in all and every Cases, where in pursuance of this Act any Payments or Dividends shall be made of the Capital of any such Annuity Stock, as shall be vested in any Person or Persons in Trust for other Persons, who have or claim distinct or different Interests therein, or for any other Ends or Purposes for which the Capital Sum or Annuity ought to be preserved intire, such Payments or Dividends of the Capital Stock of Annuities shall not be paid or applied as Dividends of Profit, Annuity, or Interest, but shall remain in the Hands of such Trustees respectively till otherwise disposed of at Interest; and for that Purpose it shall and may be lawful to and for the Trustee or Trustees, who shall receive the same, at his or their Discretion to lay out or dispose of the same, or any Part thereof, in the Purchase of so much other Capital Stock of the same kind, as at the current Market Price of such Annuity Stock, the Monies received for such Dividends shall, as near as conveniently may be, extend to purchase; which new purchased Stock of Annuities shall be transferred to such Trustee or Trustees, and a Receipt or Receipts shall be given and signed by the Person or Persons transferring the same, for the Monies paid for the same; and in case such Trustees respectively by Writing indorsed on or annexed to such Receipts, and signed and acknowledged before One of the Masters of the High Court of Chancery, shall declare, that the Money in the said Receipts were the Produce of the said Dividends of the said Capital Stock of Annuities, which Signing or Acknowledgment such Masters in Chancery are hereby required to accept or take, and each and every such Master, before whom the same shall be done, shall at the same time certify the same, by subscribing his Name thereto, for doing whereof such Master shall be paid for each Certificate One Shilling and no more; then and in every such Case the Annuity Stock mentioned in such Receipts to be transferred shall respectively go, and be deemed subject and liable, to the same Trusts, for the Benefit of the same Persons, and for the same Uses, Ends, Intents, and Purposes, as the rest of the Trust Annuity Stock remaining in such Trustees respectively will or ought to be subject and liable to; and such Trustees respectively shall from thenceforth be indemnified from any Loss, Charges, or Damages on Account of their so doing, at the Expences of the said Trust Estates.

Trust Monies may be laid out in anyother Purchases.

XV. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to restrain or prohibit any such Trustees from laying out or disposing of any of the said Trust Monies in any other Purchases, or any other Securities, whether publick or private, if they shall so think fit, in the same Manner, and with the same Freedom and Security to themselves, as they might have done if this Act had not been made.

XVI. And whereas it may so happen, that the said Sum of Six hundred thousand Pounds, or some Part thereof, may not be contributed and paid into the Receipt of His Majesty's Exchequer for the Purchase of the said Annuities, on or before the Feast Day of Saint *Michael* the Archangel, One thousand seven hundred and

and thirty ſix; and it may likewiſe happen, that on the ſaid Feaſt Day of the Birth of our Lord Chriſt, One thouſand ſeven hundred and thirty ſix, there may not be ſufficient Money in the Exchequer, ariſen from the ſaid Surpluſſes, Exceſſes, or Overplus Monies of the Fund, commonly called the *Sinking Fund*, to ſatisfy and pay the ſaid intire Sum of One Million, and the ſaid *South Sea* Company may deſire then to receive the whole Sum in one intire Payment, in order to make one Diſtribution of the whole amongſt all the Proprietors of their ſaid Capital Stock of Annuities at one Time; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer or any Three or more of the Commiſſioners of the Treaſury for the time being, by Warrant under their Hands, either to iſſue and apply ſuch Sum or Sums of Money as ſhall then remain in the Receipt of the Exchequer of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called the Sinking Fund, or to permit and ſuffer any Perſon or Perſons, Body or Bodies Politick or Corporate, to advance and lend to His Majeſty at the ſaid Receipt of the Exchequer at any Time after the ſaid Feaſt Day of Saint Michael the Archangel, One thouſand ſeven hundred and thirty ſix, the ſaid Sum of Six hundred thouſand Pounds, or ſo much as ſhall be wanting of the ſaid Contributions to compleat the ſaid Sum of Six hundred thouſand Pounds, as aforeſaid; and upon Application made by the ſaid South Sea Company to the ſaid Commiſſioners of the Treaſury or the Lord High Treaſurer for the time being, and giving them Notice of ſuch their Deſire to have and receive the ſaid Sum of One Million in one intire Payment, Ten Days at leaſt before the ſaid Feaſt Day of the Birth of our Lord Chriſt One thouſand ſeven hundred and thirty ſix, it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury, or any Three or more of them now being, or the High Treaſurer or any Three or more of the Commiſſioners of the Treaſury for the time being, by like Warrant under their Hands to permit and ſuffer any Perſon or Perſons, Body or Bodies Politick or Corporate, to advance and lend to His Majeſty at the ſaid Receipt of the Exchequer ſuch further Sum and Sums of Money as together with the Monies then remaining in the ſaid Exchequer, of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, ſhall be wanting to compleat the ſaid Sum of One Million; which ſaid ſeveral and reſpective Sum and Sums of Money, ſo to be advanced or lent in purſuance of this Act for the Purpoſes aforeſaid, ſhall be and are hereby charged and chargeable upon the growing Produce of the ſaid Surpluſſes, Exceſſes, or Overplus Monies of the Fund commonly called the Sinking Fund, and ſhall be repaid out of the ſame, as they ſhall quarterly afterwards ariſe, together with an Intereſt for the Forbearance thereof in the mean Time, not exceeding the Rate of Three Pounds per Centum per Annum, any thing herein before contained to the contrary notwithſtanding.

Clauſe of Loan at 3 *l. per Cent.*

XVII. Provided always, and be it enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one Act of this Seſſion of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thouſand ſeven hundred and thirty ſix; and ſo much Money (if any ſuch be) of the Duties thereby granted and continued, as ſhall ariſe or remain, after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate, and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one other Act of this Seſſion of Parliament, intituled, An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain* for the Service of the Year One thouſand ſeven hundred and thirty ſix, and ſo much Money (if any ſuch be) of the Tax thereby granted, as ſhall ariſe or remain, after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate, and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame, and the Sum of Six hundred thouſand Pounds by this Act granted out of the Surpluſſes, Exceſſes, or Overplus Monies, commonly called the Sinking Fund, ſhall be appropriated and applied, and are hereby appropriated, for and towards the ſeveral Uſes, Intents, and Purpoſes herein expreſſed, ſubject nevertheleſs to ſuch Reſtrictions as are herein after preſcribed, that is to ſay;

Application of the Money granted this Seſſion.

XVIII. It is hereby enacted and declared, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding One Million twenty ſeven thouſand four hundred thirty ſix Pounds, four Shillings, and ten Pence, for or towards the Naval Services herein after more particularly expreſſed, that is to ſay; for or towards defraying the Charge of the Ordinary of His Majeſty's Navy, and for half-pay to Sea Officers, and for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed, and for or towards Sea Services in the Office of Ordnance performed and to be performed, and for or towards the Buildings, Rebuildings, and Repairs of His Majeſty's Ships, and for or towards other Services of the Navy performed and to be performed.

1,027,436 *l.* 4 *s.* 10 *d.* for Naval Services.

XIX. And it is hereby enacted, That out of all or any the Aids or Supplies, as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Ten thouſand Pounds upon Account, for or towards the Support of the Royal Hoſpital at Greenwich, for the better Maintenance of the Seamen of the ſaid Hoſpital worn out and become decrepit in the Service of their Country.

10,000 *l.* to *Greenwich* Hoſpital.

XX. And it is hereby alſo enacted, That out of all or any the Aids or Supplies as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Eighty four thouſand three hundred and fifty Pounds, ſeventeen Shillings, and five Pence, for or towards defraying the Charge of the Office of Ordnance for Land Service performed and to be performed, and for defraying the extraordinary Expence of the Office of Ordnance for Land Services not provided for by Parliament.

84,350 *l.* 17 *s.* 5 *d.* for the Office of Ordnance.

XXI. And it is hereby likewiſe enacted, That out of all or any the Aids or Supplies provided as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money

1,004,020 *l.* 2*s.* 10 *d.* farthing, for the Land Forces, *viz.* 649,270 *l.* 2*s.* for Guards and Garisons.

not exceeding One million four thousand twenty Pounds, two Shillings, and ten Pence Farthing, for or towards maintaining His Majesty's Land Forces and other Services herein after more particularly expressed; that is to say, Any Sum or Sums of Money not exceeding Six hundred forty nine thousand two hundred seventy Pounds, and two Shillings, for defraying the Charge of Seventeen thousand seven hundred and four Men, including Commission and Non-commission Officers, and Invalids, for Guards, Garisons, and Six Independent Companies for the Service of the Highlands, and other His Majesty's Land Forces in Great Britain, Guernsey, and Jersey, and other Services relating to the

216,228 *l.* 10*s.* 11 *d.* for the Plantations.

Forces, for the Year One thousand seven hundred and thirty six; and any Sum or Sums of Money not exceeding Two hundred and sixteen thousand two hundred twenty eight Pounds, ten Shillings, and eleven Pence, for maintaining His Majesty's Forces and Garisons in the Plantations, Minorca, and Gibraltar; and for Provisions for the Garisons at Annapolis Royal, Canso, Placentia, and Gibraltar, for the Year One thousand seven hundred and

24,518 *l.* 10*s.* for *Chelsea* Hospital.

thirty six; and any Sum or Sums of Money not exceeding Twenty four thousand five hundred and eighteen Pounds, ten Shillings, upon Account for Out-pensioners of Chelsea

7,144 *l.* 15. 11 *d.* farthing, for extraordinary Expences.

Hospital, for the Year One thousand seven hundred and thirty six; and any Sum or Sums of Money not exceeding Seven thousand one hundred forty four Pounds, one Shilling, and eleven Pence Farthing, for defraying several extraordinary Expences and Services incurred and not provided for by Parliament; and any Sum or Sums of

46,780 *l.* 18*s.* for Half-pay.

Money not exceeding Forty six thousand seven hundred and eighty Pounds, eighteen Shillings, upon Account of Half-pay to the reduced Officers of His Majesty's Land Forces and Marines, for the Year One thousand seven hundred and thirty six, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as are herein after

3,828 *l.* for Half-pay Officers Widows.

prescribed concerning the same; and any Sum or Sums of Money not exceeding Three thousand eight hundred and twenty eight Pounds, for paying of Pensions to Widows of such reduced Officers of His Majesty's Land Forces and Marines, as died upon the Establishment of Half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thousand seven hundred and sixteen, for the Year One thousand seven hundred and thirty six; which said Sum of Three thousand eight hundred twenty eight Pounds, shall be issued to such Person or Persons as His Majesty shall by Warrant or Warrants under His Royal Sign Manual direct or appoint to receive the same, to be by him or them paid over to such Widows of Half-pay Officers, or their Assigns, according to such Establishments, Lists, or other Directions, and with and subject to such Conditions, Qualifications, Deductions, or other Allowances for the same, as His Majesty by such or the like Warrant or Warrants shall be graciously pleased to direct or ap-

56,250 *l.* to the King of *Denmark*.

point; and any Sum or Sums of Money not exceeding Fifty six thousand two hundred and fifty Pounds, on Account of the Subsidy payable to the King of Denmark, pursuant to the Treaty bearing Date the Nineteenth Day of September, One thousand seven hundred and thirty four, for the Year One thousand seven hundred and thirty six.

21,096 *l.* 9*s.* 8 *d.* for Deficiencies of the Grants 1735.

XXII. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty one thousand ninety six Pounds, nine Shillings, and eight Pence, towards making good the Deficiency of the Grants for the Year One thousand seven hundred and thirty five.

22,944 *l.* 14*s.* for Deficiency of the *General Fund*.

XXIII. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty two thousand nine hundred forty four Pounds, fourteen Shillings, for making good the Deficiency of the Fund commonly called The General Fund, for raising Seven hundred twenty four thousand eight hundred forty nine Pounds, six Shillings, and ten Pence and one fifth Part of a Peny, for the Year ended at Michaelmas, One thou-

24,570 *l.* 2*s.* 7 *d.* to the Sinking Fund.

sand seven hundred and thirty five; and any Sum or Sums of Money not exceeding Twenty four thousand five hundred and seventy Pounds, two Shillings, and seven Pence, to make good to the Sinking Fund the like Sum paid out of the same for Interest on the Million lent on Credit of the Salt Duties, for the Supply of the Year One thousand seven hundred and thirty four, pursuant to a Clause in an Act of Parliament passed in the Se-

10,000 *l.* to the *African* Company.

venth Year of His Majesty's Reign; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards the Maintenance of the British Forts and Settlements belonging to the Royal African Company of England on the Coast of Africa; and there shall and

10,000 *l.* to the Colony of *Georgia*.

may be issued to the Trustees for establishing the Colony of Georgia in America any Sum or Sums of Money not exceeding Ten thousand Pounds, by them to be applied towards settling and securing the said Colony.

The Money to be issued only as herein directed.

XXIV. And be it enacted, That the said Aids or Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses and Purposes before mentioned, or for the several Deficiencies or other Payments directed to be satisfied thereout by any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this present Session of Parliament.

Rules to be observed in the Application of Half-pay.

XXV. And as to the said Sum of Forty six thousand seven hundred and eighty Pounds, eighteen Shillings, by this Act appropriated on account of Half-pay, as aforesaid; it is hereby enacted and declared by the Authority aforesaid, That the Rules herein after prescribed shall be duly observed in the Application thereof (that is to say) That no Person shall have or receive any Part of the same who was a Minor and under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company, in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Persons who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit civil or military under His Majesty, shall have or receive any Part of the said Half-pay; that no Chaplain of any Garison or Regiment, who has any Ecclesiastical Benefice in Great Britain or Ireland, shall have or receive any of the said Half-pay; that no Person shall have or receive any Part of the same, who hath resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Persons who would

would have been otherwiſe intitled to the ſame as reduced Officers; and that no Part of the ſame ſhall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in Ireland, except to ſuch as were lately taken off the Eſtabliſhment of Half-pay in Great Britain.

XXVI. And whereas by an Act of Parliament made in the Eighth Year of His Majeſty's Reign, intituled, *An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in* Great Britain, *for the Service of the Year One thouſand ſeven hundred and thirty five*, ſeveral Supplies which had been granted to His Majeſty as is therein mentioned were appropriated to ſeveral Uſes and Purpoſes therein expreſſed, amongſt which any Sum or Sums of Money not exceeding Forty nine thouſand eight hundred thirty four Pounds, thirteen Shillings, and four Pence, was appropriated to be paid to the reduced Officers of His Majeſty's Land Forces and Marines, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half-pay as in and by the aforeſaid Act were preſcribed in that Behalf: Now it is hereby provided, enacted, and declared, by the Authority aforeſaid, That ſo much of the ſaid Sum of Forty nine thouſand eight hundred thirty four Pounds, thirteen Shillings, and four Pence, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers, according to the ſaid Rules by the ſaid Act preſcribed to be obſerved in the Application thereof, or any Part of ſuch Overplus, ſhall or may be diſpoſed of to ſuch Officers who are maimed or loſt their Limbs in the late Wars, or ſuch others as by reaſon of their long Service or otherwiſe His Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrant or Warrants under His Majeſty's Royal Sign Manual as ſhall be ſigned in that Behalf; any thing in this Act or the ſaid former Act to the contrary notwithſtanding.

Surplus Money granted to reduced Officers for the Year 1735, how to be diſpoſed of.

CAP. XXXV.

Endorsed 274.

An Act for indemnifying Perſons who have been guilty of Offences againſt the Laws made for ſecuring the Revenues of Cuſtoms and Exciſe, and for enforcing thoſe Laws for the future.

WHEREAS, notwithſtanding the ſeveral Laws already made to prevent the unlawful importing and clandeſtine landing and running of prohibited and uncuſtomed Goods, divers wicked and evil diſpoſed Perſons have of late not only carried on, and do ſtill continue, ſuch pernicious and illegal Practices, in open Defiance of the Laws, to the great Diminution of the publick Revenue, and to the manifeſt Prejudice of the fair Traders, and likewiſe ſeduced great Numbers of other Perſons to join with them in the ſaid wicked Practices, whereby the Evil is become ſo general, that it is neceſſary that ſome further Proviſion ſhould be made for effectually preventing the ſame, yet nevertheleſs as there may be ſome Hope that many of the ſaid Perſons, who have been unwarily ſeduced as aforeſaid, may be reclaimed by Grace and Clemency from offending in the like Manner for the future; therefore for the Quiet and Eaſe of His Majeſty's Subjects, who may have been guilty of ſuch Offences, and that ſuch of them as are not yet become incorrigible, being freed from their Fears and Apprehenſions, may be induced to leave off their illegal Practices, and to return to their lawful Callings and Occupations, and that ſuch Perſons as ſhall after ſuch an Act of Indulgence, and ſo publick a Warning, preſume to commit any of the ſaid Offences, may be left without Excuſe, and be brought to Juſtice, and duly puniſhed, as their Crimes ſhall deſerve, may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every His Majeſty's Subjects of this His Majeſty's Realm of Great Britain, their Heirs, Executors, and Adminiſtrators, and every of them, who before the Twenty ſeventh Day of April, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, have incurred any Penalty or Forfeiture in, by, or for the clandeſtine running, landing, unſhipping, concealing, or receiving, any prohibited Goods, Wares, or Merchandizes, or any foreign Goods liable to the Payment of the Duties of Cuſtoms and Exciſe or either of them, and who are or may be ſubject to any Information or other Proſecution whatſoever for the Duties of ſuch Goods, or for the Penalties for the running, landing, unſhipping, concealing, or receiving thereof, or for the making of any falſe Report or Entry of the Loading of any Ship or Veſſel inwards or outwards, or for making any Report or Entry in a wrong Name or Names, or for not reporting any ſuch Ship or Veſſel, or for breaking Bulk before making ſuch Report or Reports, or for altering the Package of any Goods on Board any Ship or Veſſel, or for landing of any Goods without the Preſence of an Officer, or for ſtaving or otherwiſe deſtroying or ſpoiling any Goods at or after the Seizure thereof by any Officer of the Cuſtoms or Exciſe or other Perſon duly authorized to make ſuch Seizure; and any Perſons who have beat, abuſed, obſtructed, or hindred, any Officer of the Cuſtoms or Exciſe in the due Execution of their Duty, or who have given or offered a Bribe to any Officer of the Cuſtoms or Exciſe; and all Perſons aiding, aſſiſting, and abetting in the committing any of the ſaid Offences; ſhall be and are by the Authority of this preſent Act acquitted, indemnified, releaſed, and diſcharged againſt the King's Majeſty, His Heirs, and Succeſſors, and againſt all and every other Perſon and Perſons, Bodies Politick and Corporate, and any Officer or Officers of the Cuſtoms or Exciſe, and every of them, of and from all the ſaid Offences (not in this preſent Act hereafter excepted and forepriſed) and of and from all Penalties, Forfeitures, Indictments, Outlawries, Convictions, and Judgements, not herein after excepted, incurred, had, or given, or that may or might ariſe or accrue for or by reaſon or means of any the ſaid Offences or other Matters or Things herein before mentioned and expreſſed.

Preamble.

Perſons having incurred any Penalty by clandeſtine running of Goods, &c. before 27 *April*, 1736,

making falſe Entries of Goods,

or abuſing Officers, &c. indemnified,

II. And be it further enacted, That all and every of His Majeſty's Subjects may by him, her, or themſelves, or by his, her, or their Deputy or Deputies, Attorney or Attornies, according to the Laws of this Realm plead and inſiſt on this Act of Indemnity for his, her, or their Diſcharge, of or for any Thing that is by virtue of this Act acquitted, releaſed, or diſcharged, without any Fee or Payment to any Perſon or Perſons for the writing or entring of ſuch Plea, or the Judgements thereupon, but only Sixteen Pence to the Clerk

and may plead this Act for their Diſcharge, paying only 1 s. 4 d. for entring the Plea,

or Officer who shall enter such Plea or Matter for Judgement or the Party's Discharge in that Behalf; any Law, Custom, or Usage, to the contrary notwithstanding.

and stopping all Proceedings brought against Officers or their Assistants concerning the same.

III. Provided always, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall take, receive, or be intitled to any Benefit or Advantage by virtue of this present Act of Indemnity, either by pleading or insisting on the same in any Court of Justice or otherwise, and who hath, or before he, she, or they shall claim the Benefit of this present Act, shall have brought, commenced, or prosecuted any Action, Plaint, or Information, Indictment, or other Prosecution whatsoever, against any Officer of his Majesty's Customs or Excise, or against any Person or Persons who shall or may have been aiding or assisting to any such Officer, for or concerning any Matter, Cause, or Thing done or committed by such Officer, or by any Person or Persons aiding or assisting him, on Occasion, or for or by Reason or Means of any of the Offences, Trespasses, Frauds, Misdemeanors, or other Matters or Things by this Act intended to be released and discharged, shall, before such Time as he, she, or they shall be admitted to make such Plea as aforesaid, or to take any Benefit or Advantage of this Act, absolutely release and discharge such Action or Actions, discontinue and cause all Proceedings to be staid in all and every such Informations, Indictments, and other Prosecution and Prosecutions brought or commenced as aforesaid.

Officers discharged, and may recover Costs against Persons claiming the Benefit of this Act, and yet afterwards prosecuting them.

IV. And be it further enacted, That if any Person or Persons, who shall claim the Benefit of this Act, shall after such Claim bring or commence, or cause to be brought or commenced, any Action, Plaint, Information, or other Prosecution whatsoever, against any Officer of his Majesty's Customs, or Excise, or other Person who shall have aided or assisted any such Officer, for or concerning any Act, Matter, or Thing done or committed by them, or any of them, on Occasion of, or for, or by Reason or Means of any of the Offences, Frauds, Misdemeanors, or other Matters or Things intended to be released and discharged by this Act, such Claim is and shall be deemed to be an absolute Discharge and Release to such Officer or other Persons of and from all and every such Actions, Suits, and Prosecutions; and such Officer or other Persons may plead the General Issue, and give the special Matter in Evidence; and the said Officer or other Person shall recover his Costs of Suit against the Person or Persons so bringing or commencing such Action or Prosecution.

Persons having the Benefit of this Act, being afterwards guilty of the like Offences, liable to be prosecuted for both former and new Offence, and for Smugling Bonds, &c.

V. Provided also, and be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall take, receive, or be intitled to the Benefit of this present Act of Indemnity, and shall afterwards be guilty of, or commit any of the Offences, Trespasses, Frauds, or Misdemeanors, as are herein before mentioned, or hereby intended to be acquitted, released, or discharged, or any of the Offences hereafter in this Act to be mentioned or expressed, shall be subject and liable to be prosecuted, not only for or in respect of such new Offence by him, her, or them committed, but shall also for and in respect of the said Offences committed before the making this Act, and for and in respect of all Bonds and Securities by them or any of them given to His Majesty, or to any Person or Persons for His Majesty's Use, commonly called Smugling Bonds, be subject and liable to all and every the same Pains, Penalties, Forfeitures, and Actions, for Duties of Customs or Excise, and Actions upon the said Bonds and Securities, as he, she, or they would have incurred or been subject or liable to, in case this Act had never been made; any thing herein contained to the contrary thereof notwithstanding.

This Act not to discharge any Judgement for Monies actually levied,

nor the Informer's Part of the Penalty.

VI. Provided also, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to acquit, release, or discharge any Judgement or Judgements, where the Monies or other Things recovered have been actually levied or taken in Execution before the making of this Act; nor shall the same extend, or be construed to extend, to acquit, release, or discharge any Judgement or Judgements, in respect to such Part thereof as belongs to the Informer, or such Person or Persons who hath or have joined with His Majesty in such Suit or Suits, wherein such Judgement or Judgements hath or have been obtained, unless and until such Person or Persons who would take the Benefit of this Act shall pay to such Informer or other Person or Persons the full Costs of such Suit or Suits, in which such Judgement or Judgements shall have been obtained.

Persons now liable to be transported for any such Offences, committing the like after claiming the Benefit of this Act, to suffer Death.

VII. Provided also, and be it further enacted by the Authority aforesaid, That if any Person or Persons who hath committed or been guilty of any of the Offence or Offences herein before mentioned, for which any such Person or Persons is or are by any Law or Statute now in being liable to be transported as a Felon or Felons, shall for any of the said Offences take or receive the Benefit of this present Act, and shall afterwards be guilty of, or commit any of the said Offences, for which he, she, or they is or are now liable to be transported as aforesaid; then all and every such Person and Persons (being duly convicted of or for any of the said Offences hereafter to be committed as aforesaid; and upon due Proof made that such Person or Persons had committed any of the same Offences before the making this Act, and had taken or received the Benefit thereof for his, her, or their Discharge) shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons neglecting to pay Composition Money, excluded from the Benefit of this Act.

VIII. Provided also, That all Persons, who have compounded with or agreed to pay any Sum of Money by way of Composition to His Majesty, or to the Lords Commissioners of His Majesty's Treasury, or to any of the Barons of the Exchequer, or to the Commissioners of the Customs or Excise respectively for the time being, on His Majesty's Behalf, for or in respect of any of the above mentioned Offences, or for the Forfeitures or Penalties arising thereby, shall make good such Compositions and Agreements as have been by them respectively made, or in Default thereof all and every such Persons shall be excluded and deprived of and from all Benefit and Advantage of this Act. EXCEPTED and foreprized out of this Act, all Seizures of prohibited or uncustomed Goods and other Goods, and all Seizures of Ships, Vessels, Boats, Horses, or other Cattle or Carriages, liable to be seized and forfeited by any Law in Being relating to his Majesty's Revenues of Custom or Excise, for and in respect of the Forfeiture and Condemnation of such Goods only; and also saving and excepted out of this present Act unto His Majesty, His Heirs, and Successors,

Excepted out of this Act, all Seizures of Goods, Vessels, &c.

Successors, all Customs, Duties, and Sums of Money due and owing from any Person or Persons, for or upon the Entry or lawful Importation of any Goods, Wares, or Merchandizes; and all and every Debts and Sums of Money due to His Majesty from any Person or Persons upon any Bond, Obligation, or other Contract or Agreement whatsoever, touching or concerning the lawful landing or importing any Goods, Wares, or Merchandizes, or the Customs or other Duties due or payable for the same; and all Bonds and Obligations given by any Officer or Officers of the Customs or Excise to His Majesty or any of His Predecessors, or to any other Person or Persons for the Use of or in Trust for his said Majesty or His Predecessors; and also saving to His said Majesty, His Heirs, and Successors, all Debts, Dues, and Demands, due or owing to His said Majesty for or in respect of any Sum or Sums of Money by Him or any of His Royal Predecessors at any time paid upon any Debenture or Debentures, Certificate or Certificates, where any such Debenture or Certificate was wrongfully or fraudulently obtained, or where the same Debenture afterwards became void by any relanding of the Goods therein mentioned, or by any other Way or Means whatsoever; and all other Debts, Dues, and Demands, for and in respect of the Customs, Excise, and other Duties chargeable on any Goods, Wares, or Merchandizes, concerning which there is any Action, Information, Suit, or Prosecution now depending in any of His Majesty's Courts at Westminster or elsewhere.

Money due on Entry of Goods, or Bond; Debentures fraudulently obtained, and Actions now depending.

IX. Provided nevertheless, and be it enacted by the Authority aforesaid, That in case any Judgement shall be given for His Majesty, His Heirs, or Successors, in any Suit or Suits depending in any of His Majesty's Courts at Westminster or elsewhere, on the Eleventh Day of May, One thousand seven hundred and thirty six, for the Recovery of any Debts, Dues, or Demands, due or owing to His said Majesty for or in respect of any Money paid by him or his Royal Predecessors upon any Debenture or Debentures, or Certificate or Certificates, where any such Debenture or Certificate was wrongfully or fraudulently obtained, or where the same became void by relanding the Goods therein mentioned or by any other Ways or Means whatsoever; it shall and may be lawful to and for the Commissioners of His Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer for the time being, in case he or they shall think fit, to compound for, release, or discharge the same, notwithstanding any Appropriation thereof by any Act or Acts of Parliament, but so as all such Monies which shall arise or be received by virtue of any such Composition, shall be applied in such Manner, and to such Uses, as the original Debts, Dues, or Demands recovered by such Judgements are or would be applicable, if this Act had not been made, or in a rateable Proportion where the same Debts, Dues, and Demands are applicable to different Uses.

Treasury may compound in Cases where Judgement was given for His Majesty on 11 *May*, 1736, relating to Debentures, &c.

X. And whereas divers dissolute and disorderly Persons frequently appear in great Gangs near the Sea Coasts and the Shores of navigable Rivers, and in and about the Towns and Villages adjacent thereto, and in divers other Parts of this Kingdom, carrying Fire-arms or other offensive Weapons, to the great Terror of His Majesty's Subjects, and the Hindrance of the Civil Officers, and the Officers of the Customs and Excise in the Execution and Discharge of their Duty, and during their Abode there commit great Spoil and Devastation to the Estates thereabouts, in order to be aiding and assisting in the clandestine running, landing, or carrying away prohibited and uncustomed Goods, and to rescue the same after Seizure from the Officers of the Customs or Excise, and to watch for proper Opportunities for that Purpose: And whereas several Officers of the Revenue and others their Assistants have been wounded, maimed, and some of them murdered in the Execution of their Office, and great Quantities of run Goods have been rescued after Seizure, and Sheriffs and other Civil Officers have been forcibly hindered from the Execution of Process; for preventing thereof be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty six, upon Information to be given upon Oath before any One or more of His Majesty's Justices of the Peace in any County, City, or Liberty whatsoever, that any Persons to the Number of Three or more are or have been after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, assembled for any of the Purposes aforesaid, and are or have been after the said Twenty fourth Day of June, armed with Fire-arms or other offensive Arms or Weapons; such Justice or Justices of the Peace shall and may grant his or their Warrant to the Constables, Headboroughs, and other Peace Officers whatsoever, or any of them, requiring such Officer and Officers respectively, to take to his or their Assistance as many of His Majesty's Subjects as may be thought necessary for the apprehending all and every Person and Persons, against whom such Information shall be given as aforesaid, and such Justice or Justices of the Peace shall and may (if upon due Examination he or they find cause) commit all and every or any of the said Person and Persons to the next County Gaol, there to remain without Bail or Mainprize until he, she, or they shall be discharged by due Course of Law; and all and every such Person and Persons upon due Proof of his, her, or their being assembled and armed as aforesaid, in order to be aiding and assisting in the clandestine running, landing, rescuing, or carrying away prohibited or uncustomed Goods, and upon Conviction of and for such Offence, shall be adjudged guilty of Felony, and shall be transported as a Felon or Felons to some or One of His Majesty's Colonies or Plantations in America, there to remain for the Space of Seven Years, in the same Manner as Felons are appointed to be transported by an Act made in the Fourth Year of the Reign of his late Majesty King George the First, of Glorious Memory, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wooll, and for declaring the Law upon some Points relating to Pirates, and by another Act made in the Sixth Year of the Reign of his said late Majesty, intituled, An Act for the better preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons; and if any such Offender or Offenders shall return into Great Britain or Ireland before the Expiration of the said Term, contrary to the Intent and Meaning hereof, he or they so returning shall suffer as Felons, and have Execution awarded against them as Persons attainted of Felony without Benefit of the Clergy.

After 24 *June*, 1736, any Justice, on Information upon Oath, that 3 or more Persons are assembled together, armed with Fire-arms, &c. may grant a Warrant for apprehending them, and commit them to the County Gaol; upon Conviction of their being assembled to assist in the running of Goods, they shall be transported for 7 Years, as other Felons by the Acts 4 & 6 G. I. Persons returning before the Expiration of such Term, to suffer Death.

XI. And for the better Discovery and apprehending all and every the said Offender and Offenders, be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, all and every Per-

50 *l.* Reward for apprehending.

ſon or Perſons, who ſhall apprehend and take any Perſon or Perſons guilty of any of the Offences laſt before mentioned, ſhall have and receive for every ſuch Offender who ſhall be convicted of any ſuch Offence, the Sum of Fifty Pounds, to be paid in ſuch Manner as herein after is mentioned, immediately after ſuch Conviction and Demand thereof made by tendring a Certificate under the Hand or Hands of the Judge or Judges before whom ſuch Offender or Offenders ſhall be convicted, certifying the Conviction of ſuch Offender or Offenders, and that he, ſhe, or they were taken by the Perſon or Perſons claiming the ſaid Reward; and that if any Perſon or Perſons ſhall happen to loſe any Limb, or an Eye, or be otherwiſe maimed or dangerouſly wounded, in the apprehending, or in the endeavouring to apprehend, or making purſuit after, any ſuch Offender or Offenders, all and every Perſon and Perſons ſo maimed or wounded as aforeſaid ſhall upon ſuch Conviction as aforeſaid have and receive the Sum of Fifty Pounds, over and above any other Reward that he or they ſhall be intitled to by virtue of this Act; and that in Caſe any Perſon or Perſons ſhall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making purſuit after, any ſuch Offender or Offenders, that then the Executors or Adminiſtrators of ſuch Perſon or Perſons ſo killed as aforeſaid (upon Certificate delivered under the Hands and Seals of the Juſtice or Juſtices of Aſſize for the County where the Fact was done, or the Two next Juſtices of the Peace, of ſuch Perſon or Perſons being ſo killed, which Certificate the ſaid Juſtice or Juſtices, upon ſufficient Proof before him or them made, is and are hereby required immediately to give without Fee or Reward) ſhall have and receive the Sum of Fifty Pounds, over and above any other Reward that the Perſon or Perſons ſo killed, his or their Executors or Adminiſtrators, ſhall or may be intitled to by virtue of this Act.

50 *l.* to Perſons maimed in apprehending,

and 50 *l.* to the Executors of Perſons killed in apprehending ſuch Offenders.

Offenders diſcovering 2 or more Accomplies, 3 Months after the Offence, to the Commiſſioners of the Cuſtoms, *&c.* to be diſcharged, and intitled to 50 *l.* Reward.

XII. And be it further enacted, That if any of the ſaid Offender or Offenders ſhall within Three Months after ſuch his, her, or their Offence, and before his, her, or their Conviction, diſcover Two or more of his, her, or their Accomplices therein to the Commiſſioners of the Cuſtoms or Exciſe in England or Scotland reſpectively, ſo as they or Two of them at leaſt be convicted of ſuch Offence, the Offender or Offenders ſo diſcovering ſhall have and receive the Sum of Fifty Pounds for every ſuch Offender ſo diſcovered and convicted, as a Reward for ſuch his, her, or their Diſcovery, and every ſuch Perſon ſo diſcovering ſhall be clearly acquitted and diſcharged of ſuch his, her, or their Offence; all which ſaid Rewards ſhall be paid in ſuch Manner as herein after is mentioned.

For 25. 29, 30, 31. 90, 97. 113, 114.

Two or more Perſons found paſſing together, within 5 Miles of the Sea, or a navigable River, with Horſes, Cart, *&c.* loaden with 6 lb. of Tea, 5 Gall. of Brandy or other Spirits, *&c.* not having paid the Duty, and bearing Offenſive Arms, or being maſked, *&c.* to be deemed Runners of foreign Goods within the Meaning of the Act 8 *Geo.* I. *c.* 18.

XIII. And whereas the Laws in Being have hitherto proved inſufficient for preventing the carrying prohibited and uncuſtomed Goods through the Country with an armed Force; for Remedy thereof be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, all Perſons who to the Number of Two or more in Company ſhall be found paſſing within Five Miles from the Sea Coaſts, or from any navigable River, with One or more Horſe or Horſes, or with any Cart or Carriage, whereon there ſhall be laden or put more than Six Pounds of Tea, or Brandy or other Spirits exceeding the Quantity of Five Gallons, not having paid the Duties by Law charged thereon, and not having a Permit for the ſame, or any other Foreign Goods or Commodities above the Value of Thirty Pounds Sterling landed from any Ship or Veſſel without the due Entry and Payment of the Duties by Law charged thereon, and ſhall carry any offenſive Arms or Weapons, or wear any Vizard, Maſk, or other Diſguiſe, when paſſing with ſuch Goods and Commodities as aforeſaid, or ſhall forcibly hinder, obſtruct, aſſault, oppoſe, or reſiſt any of the Officers of the Cuſtoms or Exciſe in the ſeizing or ſecuring any Sort of prohibited, uncuſtomed, or run Goods or Commodities, or other the Execution of their Office, ſhall be deemed and taken to be Runners of foreign Goods and Commodities within the Intent and Meaning of One Act of Parliament made in the Eighth Year of the Reign of his ſaid late Majeſty King George the Firſt, intituled, An Act to prevent the clandeſtine running of Goods, and the Danger of Infection thereby, and to prevent Ships breaking their Quarentine; and to ſubject Copper Ore of the Production of the *Britiſh* Plantations to ſuch Regulations as other enumerated Commodities of the like Production are ſubject, although no Proof ſhall be given or made that ſuch Tea, Brandy, Spirits, or other Goods or Commodities were run, or had not been duly entered and paid the Duties chargeable thereon; but the Proof of ſuch Entry and Payment of the Duties, and of the Manner how the ſaid Perſons ſo found with the ſaid Goods and Commodities came by the ſame, ſhall wholly lie on ſuch Perſon and Perſons; and all and every Perſon and Perſons being convicted of or for any of the ſaid Offences ſhall be adjudged guilty of Felony, and ſhall for his, her, or their Offence, be tranſported as a Felon or Felons to ſome One of His Majeſty's Colonies or Plantations in America, there to remain for the Space of Seven Years, in ſuch Manner as Felons are appointed to be tranſported by the ſaid Two Acts made for that Purpoſe in the Fourth and Sixth Years of the Reign of his Majeſty King George the Firſt, herein before particularly mentioned; and if any ſuch Offender or Offenders ſhall return into Great Britain or Ireland before the Expiration of the ſaid Seven Years, he or they ſo returning ſhall ſuffer as Felons, and have Execution awarded againſt him, her, or them, as Perſons attainted of Felony without Benefit of Clergy.

The Proof of Entry and Payment of Duties to lie on the Perſons found with the Goods.

All Goods, Weapons, Furniture, and Package of Goods ſo found, forfeited.

XIV. And be it further enacted by the Authority aforeſaid, That all the Goods, Wares, and Merchandizes, ſo found as aforeſaid, and all Weapons and Arms, as well offenſive as defenſive, found upon or with ſuch Perſon or Perſons as aforeſaid, and all the Furniture of their and every of their Horſe and Horſes, and other Cattle and Carriages, and the Cheſts, Boxes, Bags, Caſks, and other Package of all Goods ſo found as aforeſaid, ſhall be forfeited and loſt.

The 50 *l.* Reward to Perſons wounded in apprehending,

XV. And be it further enacted by the Authority aforeſaid, That if any Officer of the Cuſtoms or Exciſe ſhall loſe any Limb, or an Eye, or be otherwiſe maimed, or dangerouſly wounded, by any Offender or Offenders herein laſt mentioned, in the Execution of the Duty of his Office, or if any ſuch Officer or other Perſon whatſoever ſhall be ſo maimed or wounded as aforeſaid, in the apprehending, or endeavouring to apprehend, or making Purſuit after any ſuch Offender or Offenders, all and every ſuch Officer and Officers, Perſon and Perſons, ſo maimed and wounded as aforeſaid, ſhall upon the Conviction of ſuch Offender or Offenders have and receive as a Reward the Sum of Fifty Pounds, over and above any other

Reward that he or they shall be intitled to by virtue of this Act; and in case any Person or Persons shall happen to be killed in the taking or apprehending, or endeavouring to apprehend, or in making Pursuit after, any such Offender or Offenders, that then the Executors or Administrators of such Person or Persons so killed as aforesaid (upon Certificate under the Hands and Seals of the Justice or Justices of Assize for the County where the Fact was done, or the Two next Justices of the Peace, of such Person or Persons being so killed, which Certificate the said Justice or Justices, upon sufficient Proof before him or them made, is and are hereby required immediately to give without Fee or Reward) shall have and receive the Sum of Fifty Pounds over and above any other Reward that the Person or Persons so killed, his, her, or their Executors or Administrators, shall or may be intitled to by virtue of this Act. and to the Executors of Persons killed in apprehending,

XVI. And be it further enacted, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, if any Person or Persons shall, within Three Months after any of the said Offences herein last before mentioned shall have been committed, discover to the Commissioners of the Customs or Excise in England or Scotland respectively, any Person or Persons who shall have been guilty of any such Offence, so as such Offender or Offenders be convicted thereof, such Discoverer or Discoverers shall have and receive the Sum of Fifty Pounds for every such Offender so discovered and convicted, over and above any other Reward or Recompence which he, she, or they may be intitled to by any Law or Statute now in Being. and to the Discoverers of their Accomplices,

XVII. And be it further enacted by the Authority aforesaid, That the Commissioners of the Customs and Excise in England and Scotland respectively shall cause the several Rewards in this Act before respectively mentioned to be paid to the several and respective Persons who shall become intitled thereto as aforesaid, by the respective Receiver General or Cashier, or other proper Officer of the Customs and Excise for the time being, out of any publick Money in his or their Hands under the Management of the said Commissioners, upon producing to them a Certificate or Certificates under the Hand or Hands of the Judge or Judges of the Court before whom such Offender or Offenders shall be tried, certifying his, her, or their Conviction, or upon producing such Certificate of any such Persons being so killed as aforesaid, as is herein before mentioned; and that if any Dispute shall arise between the Persons so intitled to the said Rewards or any of them about their respective Shares and Proportions thereof, the same shall be divided to and amongst such Persons as aforesaid, in such Shares and Proportions as to the said Commissioners of the Customs or Excise respectively, or to the major Part of them, shall seem just and reasonable; and the Money paid by any Receiver General, Cashier, or other Officer as aforesaid, shall be accepted of, and allowed in his Accounts, as so much Money paid to His Majesty, and every such Officer is and shall be hereby discharged thereof accordingly; any Law, Custom, or Usage to the contrary notwithstanding. to be paid by the respective Receivers General, by Order of the Commissioners, on Certificate of the Judge of the Offender's Conviction.

Commissioners to adjust the Shares in case of Difference.

XVIII. And be it further enacted by the Authority aforesaid, That upon Information to be given upon Oath before any One or more of His Majesty's Justices of the Peace in any County, City, or Liberty whatsoever, that any Person or Persons are or shall be lurking, waiting, or loitering, within Five Miles from the Sea Coast, or from any navigable River, and that there is reason to suspect that they wait with Intent to be aiding and assisting in the running, landing, or carrying away, any prohibited or uncustomed Goods, it shall and may be lawful to and for every such Justice or Justices to cause all such Persons to come and be brought before him or them, and to grant his or their Warrant or Warrants for the apprehending such Offender, and bringing him or them before any of His Majesty's said Justices of the Peace, and if such Persons shall not give a satisfactory Account of themselves, and their Callings and Employments, or otherwise make it appear to the Satisfaction of such Justice or Justices that they are not to be employed or concerned in, or to be aiding or assisting in the carrying on any fraudulent or clandestine Trade, or unlawful Business or Occupation, and are not at such Place as aforesaid with Intent to carry on the said clandestine Practices, then every Person who shall not give such Account and Satisfaction to such Justice or Justices shall be committed to the House of Correction, there to be whipt and kept to hard Labour for any Time, which such Justice or Justices shall in his or their Discretion think meet, not exceeding One Month, and that the Commissioners of the Customs or Excise respectively shall cause to be paid to the Person or Persons informing of such Offender or Offenders a Reward of Twenty Shillings per Head for every such Offender so taken as aforesaid. Persons lurking within 5 Miles of the Sea, or a navigable River, Fortescue's Exch. Cases 261. 14. Geo. 2. &c.

not giving a satisfactory Account to the Justice, to be sent to the House of Correction, whipt, and kept to hard Labour.

20 s. Reward per Head to the informer of such Offenders, to be paid by the Commissioners.

XIX. Provided always, and be it further enacted by the Authority aforesaid, That if any such Person so brought before such Justice or Justices shall desire Time for the making it appear that he or they is or are not concerned in any of the fraudulent or clandestine Practices above mentioned, such Person or Persons shall not be punished by whipping or other Correction; but that then and in every such Case it shall and may be lawful to and for every such Justice and Justices to commit such Person and Persons to the common Gaol, there to remain and continue until he or they shall give such Account of him or themselves, or make Proof of the Matters aforesaid to the Satisfaction of such Justice or Justices, or until such Person or Persons shall give and find good and sufficient Security to the Approbation and Satisfaction of the said Justice or Justices, not to be guilty of any of the said Offences, or fraudulent, clandestine, or indirect Practices. Persons so apprehended, desiring Time to clear themselves of the Accusation, to be only committed to Prison, till Satisfaction, or Security given, not to be guilty of the like Offences.

XX. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, if any Person shall offer any Tea, Brandy, Arrack, Rum, or other Strong Waters, or Spirits, to Sale, not having a Permit for the same, or if any Hawker, Pedlar, Petty Chapman, or any other Trading Person or Persons going from Town to Town, or to other Mens Houses, and trading either on Foot, or with any Horse or Horses, or other Cattle, or otherwise, within the Kingdom of Great Britain, shall offer any such Tea, Brandy, or other Spirits, to Sale, although such Hawker, Pedlar, or Trading Person or Persons, shall have a Permit for the same, it shall and may be lawful to and for every Person and Persons, to whom the same shall be so offered to Sale, to stop, arrest, seize, and detain all such Tea, Brandy, or Spirits, and Tea, Brandy, &c. offered to sale, with or without a Permit, may be stopped, on Suspicion.

and carry the same to the next Warehouse belonging to the Customs or Excise, and to bring the Person and Persons so offering the same to Sale before any One of His Majesty's Justices of the Peace, to be by him committed to Prison, and prosecuted for the Penalties and Forfeitures incurred for such Offence; and such Tea, Brandy, or other Spirits, shall and may be prosecuted in the Name of such Person or Persons who stopped or seized the same, in like Manner as if the said Goods had been seized by any Officer of the Customs or Excise; and after Condemnation of the Goods, and Commitment of the Persons so offending as aforesaid, the Persons so seizing the same as aforesaid shall be intitled to One third Part of the gross Produce of the Sale of such Goods, which the Commissioners of the Customs and Excise respectively are to cause to be paid accordingly; and in case such Person or Persons, so seizing the said Goods, shall desire it, the said Commissioners shall in the mean Time till the said Goods can be publickly sold, cause One Shilling for every Pound of Tea, and One Shilling for every Gallon of Brandy so seized, to be paid or advanced to such Person or Persons, upon a Certificate under the Hand of such Justice or Justices of such Offender or Offenders being committed to Prison, and after the Sale of such Goods the Monies so paid or advanced shall be replaced out of the Produce of such Sale; any Law, Custom, or Usage to the contrary notwithstanding.

The Person stopping such Goods may prosecute in his own Name, and on Recovery be intitled to a Third Part of the Produce at Sale.

Commissioners to advance 1 *s. per* Pound for Tea, and 1 *s. per* Gallon for Brandy, so seized, to the Prosecutor, till Sale.

XXI. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, all Watermen, Carmen, Porters, and other Persons whatsoever, employed in carrying any Goods, Wares, or Merchandizes prohibited, run, or clandestinely imported, upon whom, or in whose Custody, the same shall be found or seized, knowing the same Goods to be prohibited, or to have been clandestinely run or imported without Payment of the Duties of Customs or Excise respectively, and who shall be thereof lawfully convicted upon his, her, or their Appearance or Default upon the Oath or Oaths of One or more credible Witness or Witnesses, or by the Confession of the Party before One or more Justice or Justices of the Peace of the County, Division, or Liberty where such Offence shall be committed or the Offender found (which Oath such Justice or Justices of the Peace are hereby authorized and required to administer) shall forfeit treble the Value of all such Goods so found and seized, One Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods or Chattels, by Warrant under the Hand and Seal, or Hands and Seals, of such Justice or Justices before whom such Offender shall be convicted as aforesaid; and for want of such Distress every such Offender shall by such Justice or Justices be committed to the House of Correction, there to be whipt and kept to hard Labour for any Time that such Justice or Justices of the Peace shall in his or their Discretion judge meet, not exceeding Three Months.

After 24 *June*. 1736, Watermen, Porters, *&c.* found with prohibited or run Goods to forfeit treble the Value.

XXII. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, where any Ship or Vessel whatsoever coming or arriving from foreign Parts, and having on Board Six Pounds of Tea, or any foreign Brandy, Arrack, Rum, Strong Waters, or other Spirits whatsoever, in Casks under Six Gallons (except only for the Use of the Seamen then belonging to and on Board such Ship or Vessel, not exceeding Two Gallons for each Seaman) shall be found at Anchor, or hovering within the Limits of any of the Ports of this Kingdom, or within Two Leagues of the Shore, or shall be discovered to have been within the Limits of any Port, and not proceeding on her Voyage, Wind and Weather permitting (unless in Case of unavoidable Necessity, and Distress of Weather, of which Necessity and Distress the Master, Purser, or other Person having or taking the Charge or Command of such Ship or Vessel, shall give Notice to, and make Proof of before the Collector, or other Chief Officer of the Customs of such Port as aforesaid immediately after the Arrival of such Ship or Vessel into the said Port) all such Tea, foreign Brandy, Arrack, Rum, Strong Waters, and Spirits, together with the Chests, Boxes, Casks, and other Package whatsoever containing the same Goods, or the Value thereof, shall be forfeited and lost (whether Bulk shall then have been broken or not) and the same Goods and Package shall and may be seized and prosecuted, or the Value thereof be sued for, by any Officer or Officers of the Customs or Excise in such Manner and Form as herein after is expressed; any Law, Statute, or Custom to the contrary notwithstanding.

Vessels arriving from foreign Parts with 6 Pounds of Tea on Board, or Brandy, *&c.* in Casks under 6 Gallons (except for the Use of the Seamen) hovering within 2 Leagues of the Shore,

all such Goods with the Package to be forfeited.

XXIII. And whereas foreign Goods are frequently taken out of Ships at Sea without the Limits of any Port, with Intent to be fraudulently landed in this Kingdom; for preventing thereof be it further enacted by the Authority aforesaid, That in case any foreign Goods, Wares, or Merchandizes, shall after the Twenty ninth Day of September, One thousand seven hundred and thirty six, by any Ship, Boat, or Vessel whatsoever, be taken in at Sea, or put out of any Ship or Vessel whatsoever, within the Distance of Four Leagues from any of the Coasts of this Kingdom (whether the same be within or without the Limits of any of the Ports thereof) without Payment of the Customs and other Duties due and payable for the same (unless in case of apparent Necessity or some other lawful Reason, of which the Master or other Person having Charge of such Ship, Vessel, or Boat, so taking in the same, shall give immediate Notice to, and make Proof before the Chief Officer or Officers of the Customs of the first Port of this Kingdom where he shall arrive) such Goods, Wares, and Merchandizes, shall be forfeited and lost, and the Master, or other Person having Charge of such Ship, Vessel, or Boat so taking in the same, and all such Persons who shall be aiding, assisting, or otherwise concerned in the unshipping or receiving of the said Goods, Wares, or Merchandizes, shall forfeit treble the Value thereof; and the Ships, Boats, and Vessels, into which the said Goods, Wares, and Merchandizes shall be unshipped and taken in, shall also be forfeited and lost, any Ship, Boat, or Vessel, so to be forfeited and lost, not exceeding the Burthen of One hundred Tuns; and the Master, Purser, or other Person taking Charge of such Ship or Vessel out of which such Goods shall be taken (unless in case of such apparent Necessity or other lawful Reason, whereof Notice shall be given by him, and Proof be made as aforesaid) shall also forfeit treble the Value of the Goods so unshipped as aforesaid; which Forfeitures shall be divided and recovered in such Manner as is herein after mentioned.

After 29 *Sept.* 1736, foreign Goods taken in or put out of any Vessel within 4 Leagues of the *British* Coasts without Payment of Customs, (unless in case of apparent necessity)

to be forfeited, and the Master, *&c.* to forfeit treble the Value, and the Vessel forfeited, if not above 100 Tuns.

XXIV. And

XXIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall offer any Bribe, Recompence, or Reward whatsoever, to any Officer or Officers of the Customs or Excise, to connive at or permit any customable or prohibited Goods to be run on Shore, or to connive at any false or short Entry of any such Goods, or to do any other Act whereby His Majesty might be defrauded in His said Revenues, every such Person and Persons shall for every such Offence (whether the same Offer or Proposal shall be accepted or not) forfeit the Sum of Fifty Pounds, to be recovered and divided in such Manner as herein after is mentioned. 50 *l.* Penalty on offering to bribe an Officer to Connivance, &c.

XXV. And be it further enacted by the Authority aforesaid, That One Moiety of the several Penalties and Forfeitures in this Act mentioned shall be to the Use of His Majesty, His Heirs, and Successors, and the other Moiety shall be to the Use of such Person and Persons as shall inform, prosecute, or sue for the same (except in such Cases where any other Appropriation or Distribution of the said Penalties is made by this Act, or by any other Act or Acts) and that all the same Penalties and Forfeitures shall and may be prosecuted and sued for, and the Causes and Controversies arising thereupon, tried, heard, and determined, in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer at Edinburgh respectively (except where any Provision to the contrary is made by this or any other Law or Statute now in Force) wherein no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed. Forfeitures how to be recovered and distributed.

XXVI. And for the better and more impartial Trial of any Indictment or Information which shall be found commenced, or prosecuted, for any Assault made or committed upon any of the Officers of the Customs or Excise; be it further enacted by the Authority aforesaid, That all and every the said Offence and Offences shall and may be enquired of, examined, tried, and determined, in any County within that Part of the Kingdom of Great Britain called England in such Manner and Form as if the same Offence had been therein committed. Actions of Assault upon Officers may be tried in any County of *England*. *For the full Vol. II. pag. 91, 92, 93, 113.*

XXVII. And whereas in Ships from foreign Parts Goods are often concealed in false Bulk Heads, between the Linings and false Knees, or in concealed Lockers, or in the Ballast or false Package, and other private Places, which the Officers of the Customs cannot easily find out or discover, in order to their being landed without Payment of Duties, and such Goods are not by any Law liable to Forfeiture, unless the same be found after clearing the Ship by the proper Officer or Officers of the Customs; for Remedy whereof be it enacted by the Authority aforesaid, That all Goods which shall be found concealed as aforesaid, or concealed in any other Place on board any Ship or Vessel at any time after the Master thereof shall have made his Report at the Customhouse, and which shall not be comprized or mentioned in the said Report, shall be forfeited and lost, and shall and may be seized and prosecuted by any Officer or Officers of the Customs, and the Master, Purser, or other Person having the Charge or Command of such Ship or Vessel (in case it can be made appear that he was any ways consenting or privy to such Fraud or Concealment) shall forfeit treble the Value of the Goods so found, to be divided and recovered in such Manner as herein before is mentioned. *For the full Vol. II. pag. 65, 66, 67.* All Goods found concealed after the Master's Report at the Customhouse, forfeited, and the Master, &c. to forfeit treble the Value.

XXVIII. And whereas the Punishment to which such Persons as shall forcibly obstruct or hinder any Officer of the Customs or Excise, being on board any Ship, Boat, or Vessel within the Limits of any of the Ports of this Kingdom, are liable by Law, hath proved insufficient; for preventing the said Offences, be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, if any Officer or Officers of the Customs or Excise, being on board any Ship, Boat, or Vessel within the Limits of any of the Ports of this Kingdom, be forcibly hindred, opposed, obstructed, wounded, or beaten, in the due Execution of his or their Office or Duty, by any Person or Persons whatsoever, either in the Day or Night, all and every Person and Persons so forcibly hindring, opposing, obstructing, wounding, or beating the said Officer or Officers in the Execution of his or their Office, and all such as shall act in their Aid or Assistance, being convicted thereof, shall by Order of the Court before whom such Offender or Offenders shall be convicted, be transported to some of His Majesty's Colonies and Plantations in America, for such Term as such Court shall think fit, not exceeding Seven Years, in the same Manner as by one Act made in the Fourth Year of the Reign of his late Majesty King George the First, of Glorious Memory, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wooll, and for declaring the Law upon some Points relating to Pirates, and by one other Act made in the Sixth Year of the Reign of his said late Majesty, intituled, An Act for the better preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, the Offenders therein mentioned are to be transported to the said Colonies and Plantations; and if any such Offender or Offenders shall return into Great Britain or Ireland before the Expiration of the said Term, contrary to the Intent and Meaning hereof, he or they so returning shall suffer as Felons, and have Execution awarded against them as Persons attainted of Felony without Benefit of Clergy. Persons forcibly obstructing or wounding Officers on Board in the Execution of their Offices, to be transported, not exceeding 7 Years, as other Felons by the Acts 4 & 6 *Geo.* I.

XXIX. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, it shall and may be lawful to and for any Officer or Officers of the Customs or Excise, producing his or their Warrant or Deputation, Warrants or Deputations (if required) to go on board and enter into any coasting Ship or Vessel, which shall be within the Limits of any of the Ports of this Kingdom, and to rummage and search the Cabbin and all other Parts of all such coasting Ships or Vessels, for prohibited and uncustomed Goods, and such Officer and Officers is and are hereby authorized and impowered to stay and remain on board all such Ships and Vessels, during the whole Time that the same shall continue within the Limits of any such Port as aforesaid; and if any Person or Persons whatsoever shall obstruct, oppose, molest, let, or hinder any Officer or Officers of the Customs or Excise, in going or remaining on board any such coasting Ship or Vessel, or in the entring or searching the Cabbin, or any other Part thereof, every such Person and Persons shall for every such Offence forfeit and lose the Sum of One hundred Pounds, to be divided and recovered in such Manner as herein before is expressed. Officers may go on Board coasting Vessels, and search for prohibited Goods, and continue on Board during the Vessel's Stay in the Port. 100 *l.* Penalty on obstructing Officers.

XXX. And

100 *l.* Penalty on Alehouſe Men, *&c.* knowingly harbouring any Perſon againſt whom Proceſs hath iſſued for obſtructing Officers, *&c.*

XXX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons who keep or ſhall keep any Tavern, Alehouſe, Victualling Houſe, or other Houſe where Ale, Wine, Brandy, or other ſtrong Liquors ſhall be ſold by Retale, ſhall, after the Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, knowingly receive, harbour, or entertain any Perſon or Perſons againſt whom any Capias or other Proceſs of Arreſt ſhall have iſſued, for having beat, abuſed, or obſtructed any Officer or Officers of the Cuſtoms or Exciſe in the Execution of their Office, or for any Offence or Offences that are or ſhall be committed againſt any of the Laws now in Being for preventing Frauds in relation to the Revenues of Cuſtoms or Exciſe, or for any Crime or Crimes whatſoever that ſhall be committed or done in Prejudice of the ſaid Revenue, and to which Capias or other Proceſs the Sheriff or other Officer having Execution of the ſaid Proceſs ſhall have returned, that ſuch Perſon or Perſons cannot be found, and which Perſon or Perſons ſhall not have appeared to the ſaid Proceſs, or for any other Offence, Fraud, or Miſdemeanor in this Act mentioned, or to the Prejudice of His Majeſty's Cuſtoms or Exciſe, or ſhall knowingly harbour, receive, or entertain any Perſon or Perſons, who having been in Priſon for any of the ſaid Offences ſhall have eſcaped, or who ſhall have been convicted for the ſame, and ſhall fly from Juſtice; ſhall forfeit One hundred Pounds, to be recovered and divided in ſuch Manner as is herein before expreſſed, and be rendred incapable of having a Licence for keeping or of keeping any Tavern, Alehouſe, or Victualling Houſe, or ſelling Wine, Ale, Brandy, or other ſtrong Liquors by Retale, for the future.

after 6 Days Notice in the *Gazette* of ſuch Perſon's abſconding, and Writing fixed to the Door of the Church.

XXXI. Provided nevertheleſs, That no Perſons ſhall ſuffer any Penalty or Diſability for ſuch receiving, harbouring, or entertaining, unleſs publick Notice ſhall have been firſt given ſix Days before in Two ſucceſſive Gazettes, of the abſconding of the Perſon or Perſons who ſhall be ſo received, harboured, or entertained, and alſo by Writing to be fixed to the Door of the Pariſh Church, where ſuch Perſon or Perſons laſt dwelt before his abſconding.

XXXII. And whereas it hath been found by Experience, that the Bailiffs and other Officers having the Execution of Proceſs in the ſeveral Counties, Cities, and Liberties of this Kingdom, often hold Correſpondence with the Perſons guilty of the ſeveral illegal Practices herein before mentioned, and give them Notice when any Writ or Proceſs iſſues againſt them, whereby they eſcape from Juſtice; for Remedy thereof be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, where any Writ of Capias or other Proceſs ſhall iſſue out of any Court, directed to any Sheriff, Mayor, Bailiff, or other Perſon having the Execution of Proceſs in any County, City, or Liberty, againſt any Perſon who ſhall be guilty of, or proſecuted for, any Offence whatſoever contrary to any of the Laws or Statutes now in Being relating to His Majeſty's ſaid Revenues of Cuſtoms or Exciſe, every ſuch Sheriff, Mayor, or Bailiff, and other Perſons having Execution of Proceſs as aforeſaid, and their and every of their Under-ſheriffs, Deputies, and other Perſons acting for them in the ſaid Office and Offices reſpectively, ſhall, and are hereby enjoined and required, upon the Requeſt or Application of any One of the known Solicitors for the Cuſtoms or Exciſe (ſuch Requeſt to be in Writing indorſed upon the Back of the ſaid Proceſs and ſigned by ſuch Solicitor with his Name and Addition of Solicitor for the Cuſtoms or Exciſe, as the Caſe ſhall happen to be) to grant a ſpecial Warrant or Warrants to ſuch Perſon or Perſons as ſhall be named to them by ſuch Solicitor, for the apprehending ſuch Offender and Offenders, or in Default thereof every ſuch Sheriff, Mayor, Bailiff, Under-ſheriff, and other Perſon acting in the ſaid Office or Offices reſpectively, ſhall be ſubject and liable to ſuch Proceſs of Contempt, Fines, Amerciaments, Penalties, and Forfeitures, as they or any of them are now by any Law, Cuſtom, or Uſage liable to in caſe of refuſing or neglecting to execute the like Proceſs, where the Defendant might have been taken thereupon, in the common and uſual Method of Proceeding.

Sheriffs, Mayors, *&c.* on Requeſt in Writing of a known Solicitor for the Cuſtoms or Exciſe, to grant ſpecial Warrants for apprehending Offenders.

Sheriffs, Mayors, *&c.* granting ſuch ſpecial Warrants, ſaved harmleſs from all Eſcapes.

XXXIII. And it is hereby declared and enacted, That all and every ſuch Sheriff, Mayor, Bailiff, Under-ſheriff, and other Perſon ſo granting or making out ſuch ſpecial Warrant as aforeſaid, ſhall be and they are hereby ſaved harmleſs and indemnified againſt His Majeſty, His Heirs, and Succeſſors, and againſt all and every other Perſon and Perſons whatſoever, of and from all Eſcapes of any Perſon or Perſons who ſhall or may be taken by virtue of any ſuch Warrant as aforeſaid, which ſhall or may happen from the Time of the taking ſuch Offender or Offenders, till he, ſhe, or they ſhall be committed to the proper Gaol or Priſon, or offered and tendered to the Gaol Keeper or other Perſon having Charge of ſuch Gaol or Priſon (who is hereby enjoined and required to receive every ſuch Perſon or Perſons ſo apprehended as aforeſaid, and give a Receipt for his and their Body and Bodies) and of and from all Actions, Proſecutions, Proceſs of Contempt, and other Proceedings whatſoever, for or by Reaſon of any ſuch Eſcape; any Law, Cuſtom, or Uſage to the contrary thereof in any wiſe notwithſtanding.

XXXIV. And whereas by the preſent Practice of the Court of Exchequer and elſewhere it is become neceſſary for all Officers of the Cuſtoms and Exciſe, and other Officers of the Revenue, upon the Trial of any Information of Seizure, to give Proof of the exact Method and Manner of making the Seizure, with an Account of the Form of Words uſed on that Occaſion, notwithſtanding the Defendant in ſuch Cauſe does on the claiming of ſuch Goods acknowledge that a Seizure of them hath been made, whereby there often happens a Failure of Juſtice, and His Majeſty, and the Officer making the Seizure, and proſecuting the ſame, are frequently defeated of their Right, without entring into the Merits of the Cauſe; for Remedy thereof be it further enacted by the Authority aforeſaid, That on all Trials of Seizures whatſoever in the Court of Exchequer or elſewhere, the Seizure, together with the Method and Form of making it, ſhall be taken to have been made by the Perſon or Perſons who ſhall inform and ſue for the ſame, and to be done in the Manner as ſet forth in the Information, without any Evidence thereof; and all Judges and Juſtices of the Peace, before whom any ſuch Seizures ſhall be brought to Trial or Hearing, are hereby required to proceed to the Trial of the Merits of the Cauſe, without inquiring into the Fact, Form, or Manner of making the Seizure.

In Trials of Seizures, Judges to proceed to the Merits of the Cauſe, without inquiring into the Fact or Form of making the Seizure.

XXXV. And whereas it frequently happens that ſeveral evil minded and deſperate Perſons, in order to carry on without Controul the wicked Practices aforeſaid, do in a publick and avowed Manner, and with an armed

armed Force, pass and repass through several Countries with large Quantities of Tea, Brandy, and other prohibited and uncustomed Goods, whereby the Officers of His Majesty's Customs and Excise are either deterred from doing their Duty, or in doing it are beat, wounded, maimed, and frequently murdered; for Remedy whereof be it enacted by the Authority aforesaid, That if any Person or Persons passing as aforesaid with prohibited or uncustomed Goods, and armed with Guns, Pistols, Cutlasses, or other offensive Weapons, shall hinder, molest, or resist, any Officer or Officers of the Customs or Excise, who in the Execution of his or their Duty shall endeavour or offer to search for, take, or seize, any prohibited or uncustomed Goods from any Person or Persons so passing with such Goods and armed as aforesaid, by beating, maiming, or wounding any of the Officers above mentioned or other Persons acting in their Assistance, that then and in every such Case it shall and may be lawful for all Officers of His Majesty's Customs or Excise and all Persons by them called to their Assistance, who are so resisted, to oppose Force to Force, and to endeavour by the same Methods that are violently used against them, and by which their Lives are endangered, to defend themselves, and execute the Duty of their Office; and if any Person so hindering, molesting, or resisting the Officers aforesaid or their Assistants, shall in so doing be wounded, maimed, or killed, and the said Officers and their Assistants shall be sued, molested, or prosecuted for the said beating, maiming, or killing; such Officer and Officers, and Person and Persons acting in their Assistance, shall and may plead the General Issue, and give this Act and the Special Matter thereof in Evidence in his and their Defence; and all His Majesty's Justices of the Peace and other Justices and Persons before whom any such Officer or Officers or other Persons acting in their Assistance shall or may be brought for or on Account of any such wounding, maiming, or killing, as aforesaid, are hereby authorized and impowered, enjoined and required, to admit every such Person and Persons so brought before him or them as aforesaid to Bail; any Law, Usage, or Custom, to the contrary notwithstanding.

Officers and their Assistants may oppose Force to Force

and when carried before a Justice for wounding or killing any Person in such Cases, shall be admitted to Bail.

Tor. Stat. 82, 83, 97, 98, 114, 116.

XXXVI. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to indemnify, release, or discharge any Person or Persons from or against any Suit, Information, or Prosecution, by or on the Behalf of the United Company of Merchants of England trading to the East Indies, commenced or to be commenced, as well for His Majesty, His Heirs, or Successors, as for themselves, or for themselves only, or from or against any Penalty, Forfeiture, or Demand, or Right of Suit for the same, which the said United Company are by Law intitled unto; any thing in this Act contained to the contrary in any wise notwithstanding.

This Act not to indemnify any Person prosecuted by the *East India* Company.

XXXVII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

General Issue.

Treble Costs.

XXXVIII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to restrain His Majesty's Court of King's Bench, or any of the Judges thereof, or the Court of Justiciary in Scotland, respectively, from bailing any Person committed for Felony by virtue of this Act, in such Manner as they may by Law do in other Cases of Felony.

The Court of King's Bench, or Justiciary in *Scotland*, not restrained from bailing Persons committed on this Act.

CAP. XXXVI.

An Act to restrain the Dispositions of Lands, whereby the same become unalienable.

4 Geo. 542.

Tor. Parl. Debates Vol. 14. Pag. 141, 154, 182, 548.

WHEREAS Gifts or Alienations of Lands, Tenements, or Hereditaments, in *Mortmain*, are prohibited or restrained by *Magna Charta* and divers other wholsome Laws, as prejudicial to and against the common Utility; nevertheless this publick Mischief has of late greatly increased by many large and improvident Alienations or Dispositions made by languishing or dying Persons, or by other Persons, to Uses called *Charitable Uses*, to take Place after their Deaths, to the Disherison of their lawful Heirs; for Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty six, no Manors, Lands, Tenements, Rents, Advowsons, or other Hereditaments, Corporeal or Incorporeal whatsoever, nor any Sum or Sums of Money, Goods, Chattels, Stocks in the publick Funds, Securities for Money, or any other Personal Estate whatsoever, to be laid out or disposed of in the Purchase of any Lands, Tenements, or Hereditaments, shall be given, granted, aliened, limited, released, transferred, assigned, or appointed, or any ways conveyed or settled to or upon any Person or Persons, Bodies Politick or Corporate, or otherwise, for any Estate or Interest whatsoever, or any ways charged or incumbered by any Person or Persons whatsoever, in Trust, or for the Benefit of any charitable Uses whatsoever; unless such Gift, Conveyance, Appointment, or Settlement of any such Lands, Tenements, or Hereditaments, Sum or Sums of Money, or Personal Estate (other than Stocks in the publick Funds) be and be made by Deed indented, sealed, and delivered in the Presence of Two or more credible Witnesses Twelve Kalendar Months at least before the Death of such Donor or Grantor (including the Days of the Execution and Death) and be inrolled in his Majesty's high Court of Chancery within Six Kalendar Months next after the Execution thereof; and unless such Stocks be transferred in the publick Books usually kept for the Transfer of Stocks Six Kalendar Months at least before the Death of such Donor or Grantor (including the Days of the Transfer and Death) and unless the same be made to take Effect in Possession for the charitable Use intended, immediately from the making thereof, and be without any Power of

Preamble.

8 Mag. 82, 83, 84. 85.

Vin. Abr. Devise fol. 91.

After 24 *June*, 1736, no Manors, Lands, &c. nor Sums of Money, Goods, &c. to be given for charitable Uses,

3 Mod. 46, 49. 82, 83.

unless by Deed indented, and executed before Two Witnesses 12 Months before the Death of the Donor, and inrolled, &c.

Revocation, Reſervation, Truſt, Condition, Limitation, Clauſe, or Agreement whatſoever, for the Benefit of the Donor or Grantor, or of any Perſon or Perſons claiming under him.

Tert. privil. Feb. vol. 14 pag. 12, 13.

The ſaid Limitations not to extend to Purchaſes or Transfers made for valuable Conſiderations.

II. Provided always, That nothing herein before mentioned relating to the Sealing and Delivery of any Deed or Deeds Twelve Kalendar Months at leaſt before the Death of the Grantor, or to the Transfer of any Stock Six Kalendar Months before the Death of the Grantor or Perſon making ſuch Transfer, ſhall extend, or be conſtrued to extend to any Purchaſe of any Eſtate or Intereſt in Lands, Tenements, or Hereditaments, or any Transfer of any Stock, to be made really and bona fide for a full and valuable Conſideration actually paid at or before the making ſuch Conveyance or Transfer without Fraud or Colluſion.

Gifts, &c. made after 24 *June*, 1736, otherwiſe than directed by this Act, to be abſolutely void.

III. And be it further enacted by the Authority aforeſaid, That all Gifts, Grants, Conveyances, Appointments, Aſſurances, Transfers, and Settlements whatſoever, of any Lands, Tenements, or other Hereditaments, or of any Eſtate or Intereſt therein, or of any Charge or Incumbrance affecting or to affect any Lands, Tenements, or Hereditaments, or of any Stock, Money, Goods, Chattels, or other Perſonal Eſtate, or Securities for Money to be laid out or diſpoſed of in the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate or Intereſt therein, or of any Charge or Incumbrance affecting or to affect the ſame, to or in Truſt for any charitable Uſes whatſoever, which ſhall at any Time, from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, be made in any other Manner or Form than by this Act is directed and appointed, ſhall be abſolutely and to all Intents and Purpoſes null and void.

But not to prejudice the 2 Univerſities, or the Colleges of *Eton*, *Wincheſter*, or *Weſtminſter*.

IV. Provided always, That this Act ſhall not extend, or be conſtrued to extend, to make void the Diſpoſitions of any Lands, Tenements, or Hereditaments, or of any Perſonal Eſtate to be laid out in the Purchaſe of any Lands, Tenements, or Hereditaments, which ſhall be made in any other Manner or Form than by this Act is directed, to or in Truſt for either of the Two Univerſities within that Part of Great Britain called England, or any of the Colleges or Houſes of Learning within either of the ſaid Univerſities, or to or in Truſt for the Colleges of Eton, Wincheſter, or Weſtminſter, or any or either of them, for the better Support and Maintenance of the Scholars only upon the Foundations of the ſaid Colleges of Eton, Wincheſter, and Weſtminſter.

No College to hold more Advowſons than ſhall be equal to one Moiety of their Fellows, &c.

V. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That no ſuch College or Houſe of Learning, which doth or ſhall hold or enjoy ſo many Advowſons of Eccleſiaſtical Benefices as are or ſhall be equal in Number to One Moiety of the Fellows or Perſons uſually ſtiled or reputed as Fellows, or, where there are or ſhall be no Fellows or Perſons uſually ſtiled or reputed as Fellows, to One Moiety of the Students upon the Foundation, whereof any ſuch College or Houſe of Learning doth or may by the preſent Conſtitution of ſuch College or Houſe of Learning conſiſt, ſhall from and after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, be capable of purchaſing, acquiring, receiving, taking, holding, or enjoying any other Advowſons of Eccleſiaſtical Benefices by any Means whatſoever; the Advowſons of ſuch Eccleſiaſtical Benefices as are annexed to, or given for the Benefit or better Support of, the Heads of any of the ſaid Colleges or Houſes of Learning, not being computed in the Number of Advowſons hereby limited.

This Act not to extend to *Scotland*.

VI. Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to the Diſpoſition, Grant, or Settlement of any Eſtate, Real or Perſonal, lying or being within that Part of Great Britain called Scotland.

CAP. XXXVII.

An Act for further encouraging and regulating the Manufacture of *Britiſh* Sail Cloth, and for the more effectual ſecuring the Duties now payable on foreign Sail Cloth imported into this Kingdom.

Preamble.

WHEREAS the making of Sail Cloth in *Great Britain* hath been found of great Uſe and Benefit to this Nation, by having given a comfortable Support and Maintenance to many of His Majeſty's Subjects employed in the manufacturing thereof; and there is Reaſon to believe, that if the Duties payable on foreign made Sail Cloth imported into this Kingdom were more effectually ſecured and enforced, and a further Encouragement given to the making of Sail Cloth therein, this Manufacture would be greatly improved, and many more of His Majeſty's Subjects comfortably ſupported and maintained by the ſame; therefore may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, all foreign made Sail Cloth or Canvas uſually entered as Hollands Duck, or Ditry Canvas, which ſhall be fit and proper to be made uſe of for the making of Sails for navigating Ships and Veſſels, and which ſhall be imported into Great Britain by way of Merchandize, and for which any Duties have been granted, or are made payable, or which ought to be paid to His Majeſty, ſhall be ſtamped at the Time of the landing thereof at or in the Port or Place where the ſame ſhall be imported or landed, as hereafter mentioned.

After 24 *June*, 1736, all foreign made Sail Cloth imported as Merchandize, to be ſtamped at the Port of landing.

Commiſſioners of the Cuſtoms to provide the Stamps.

II. And be it further enacted by the Authority aforeſaid, That the Commiſſioners of the Cuſtoms in Great Britain ſhall, on or before the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, provide or cauſe to be provided ſuch or ſo many Stamps, with which all the ſaid imported foreign made Sail Cloth or Canvas, upon or after the Duty paid, ſhall be ſtamped; and ſhall for that Purpoſe cauſe ſuch reſpective Stamps to be diſtributed to the reſpective proper Officers of the Cuſtoms of all and every the Port and Ports where ſuch foreign made Sail Cloth or Canvas ſhall be imported or landed; which ſaid Officers are hereby enjoined and required to ſtamp every ſuch Piece or Parcel of foreign made Sail Cloth or Canvas, which ſaid Stamp ſhall expreſs or denote the Place or Country from whence the ſaid foreign made Cloth or Canvas was imported; and the ſaid Commiſſioners

Commissioners in providing the said Stamps for the Purposes aforesaid shall take care that they be so contrived, that the Impression thereof may be durable, and so as the same may be the least liable to be forged or counterfeited; and that the said Stamps shall or may be altered or renewed from time to time, as His Majesty, His Heirs, or Successors, shall think fit; and if any Person or Persons whatsoever shall at any Time or Times from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, counterfeit or forge any Stamp which shall be provided or made in pursuance of this Act for the Purposes aforesaid, or shall counterfeit or resemble the Impression of the same upon any of the said foreign made Sail Cloth or Canvas chargeable with any Duty by virtue of any Act or Acts of Parliament made on that Behalf, thereby to defraud His Majesty, His Heirs, or Successors, of any of the said Duties thereby granted; then every such Person so offending, and duly convicted thereof, shall forfeit the Sum of Fifty Pounds; and if any Person or Persons shall at any Time or Times after the said Twenty fourth Day of June, One thousand seven hundred and thirty six, sell or expose to Sale any such foreign made Sail Cloth or Canvas with a counterfeit Stamp thereon, knowing the same to be counterfeit, and with such Intent to defraud His Majesty, His Heirs, and Successors, all and every such Offender and Offenders, being duly convicted thereof as aforesaid, shall forfeit the Sum of Fifty Pounds.

50*l.* Penalty on counterfeiting the Stamps, or selling with a counterfeit Stamp.

III. And for the better ascertaining and distinguishing the Sail Cloth of the British Manufacture from such foreign Sail Cloth as aforesaid, be it enacted by the Authority aforesaid, That every Manufacturer or Maker of Sail Cloth in Great Britain shall, from and after the Twenty ninth Day of September, One thousand seven hundred and thirty six, affix or impress, or cause to be affixed or impressed, on every Piece of Sail Cloth by him manufactured or made, a Stamp containing the Name and Place of Abode of such Manufacturer or Maker in plain distinct Letters and Words at Length; and if any Manufacturer or Maker of Sail Cloth or other Person shall sell or expose to Sale, or work up into Sails, any Piece or Bolt of British Sail Cloth without being stamped as aforesaid, such Manufacturer or Maker or other Person so offending, and being thereof lawfully convicted upon the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the County, City, or Town, where the said Offence shall be committed (which Oath such Justice or Justices is and are hereby impowered and required to administer) shall forfeit the Sum of Ten Pounds for each and every Piece of Sail Cloth by him or them sold or exposed to Sale, or worked up into Sails, not being stamped as aforesaid; and if any Person or Persons whatsoever shall wilfully or maliciously cut off, destroy, or obliterate any Stamp so affixed or impressed as aforesaid (except in the tarring or working up the same) or shall affix or impress any Stamp, on which shall be stamped the Name or Place of Abode of any other Person or Persons, and not his or their real Name or Names and Place or Places of Abode; such Person or Persons being convicted of any of the Offences aforesaid shall for every such Offence forfeit the Sum of Five Pounds; which said last mentioned Forfeit shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant or Warrants under the Hands and Seals of Two or more Justices of the Peace for the County, Riding, City, or Place, where the Offence shall be committed, and shall go and be applied to the Use of the Informer or Informers.

After 29 *Sept.* 1736, Makers of *British* Sail Cloth to stamp their Names and Places of Abode on every Piece, on Penalty of 10*l.* for each Piece. 5*l.* Penalty on wilfully obliterating the Stamp, or affixing another Person's Stamp.

IV. And for the better encouraging the Use and Consumption of the said Manufacture of British Sail Cloth, be it enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, every Ship or Vessel which shall be built in Great Britain, and from and after the Twenty fifth Day of December, One thousand seven hundred and thirty six, every Ship or Vessel which shall be built in any of His Majesty's Plantations in America, shall upon her first setting out or being first navigated at Sea have or be furnished with one full and compleat Set of Sails made up of Sail Cloth manufactured in Great Britain; and in case such Ship or Vessel shall not on her first setting out be fitted and furnished as aforesaid, that then and for every such Neglect or Default the Master of such Ship or Vessel shall forfeit the Sum of Fifty Pounds.

50*l.* Penalty on every Ship built in *Great Britain*, or *British* Plantations in *America*, not having a compleat Set of Sails of *British* Sail Cloth.

V. And it is hereby enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, One thousand seven hundred and thirty six, no Sail Maker or other Person in this Kingdom shall make or work up into Sails or Tarpawlins any foreign made Sail Cloth or Canvas, which shall be imported after the said Twenty fourth Day of June, not stamped according to the Directions of this Act; and in case any Sail Maker or any other Person shall make or work up into Sails or Tarpawlins any foreign made Sail Cloth or Canvas, other than as aforesaid, such Sails and Tarpawlins shall be forfeited, and such Sail Maker or such other Person shall likewise forfeit the Sum of Twenty Pounds.

20*l.* Penalty on working up foreign made Sail Cloth not stamped.

VI. And be it enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, which shall be in the Year of our Lord One thousand seven hundred and thirty six, all Sail Cloth which shall be made in Great Britain, shall be made and manufactured in the Manner and according to the Directions herein after mentioned; that is to say, Every Piece or Bolt of British Sail Cloth that shall be Twenty four Inches in Breadth and Thirty eight Yards in Length, shall respectively weigh according to the respective Numbers and Weights hereafter mentioned; that is to say,

The Dimensions and Weight of *British* made Sail Cloth, after 29 *Sept.* 1736.

Number		Pounds each Bolt.
1	44	
2	41	
3	38	
4	35	
5	32	
6	29	
7	24	
8	21	
9	18	
10	15	

VII. And in caſe any Piece or Bolt of any or either of ſuch reſpective Numbers, Kinds, or Sorts of Britiſh Sail Cloth, ſhall be made of a different Breadth or Length than before mentioned; ſuch Piece or Bolt of Britiſh Sail Cloth ſhall be increaſed or diminiſhed in Weight in Proportion to the Difference in ſuch Length or Breadth as aforeſaid, and ſhall be marked or ſtamped with ſuch reſpective Number as ſhall be agreeable to the Weight thereof; and the Wharp or Chain of each and every Piece or Bolt of the Firſt Six Numbers of ſuch Britiſh Sail Cloth, that is to ſay, From Number 1. to Number 6. incluſive, ſhall be wholly wrought and made of double Yarn, and ſhall contain in every Piece or Bolt of ſuch Sail Cloth, that ſhall be Twenty four Inches in Breadth, at leaſt Five hundred and ſixty double Threads of Yarn, and in every Piece or Bolt of ſuch Sail Cloth that ſhall be Thirty Inches in Breadth at leaſt Seven hundred double Threads of Yarn; and in every Piece or Bolt of ſuch Sail Cloth that ſhall be of any other Breadths than as aforeſaid, a certain Number or Quantity of double Threads of Yarn in Proportion to the Number of double Threads of Yarn expreſſed to be contained in the Breadth as aforeſaid; and the Wharp and Shoot Yarn which ſhall be wrought in every Piece or Bolt of the Firſt Four Numbers of ſuch Sail Cloth, that is to ſay, From Number 1. to Number 4. incluſive, ſhall be made of long Flax, without any Mixture of ſhort or barr Flax, or of long Flax, or Italian Hemp or Braack Hemp; and all the Flax and Hemp that ſhall be uſed in making the Wharp and Shoot Yarn of ſuch Sail Cloth of the aforeſaid Four Numbers, ſhall be of a ſtrong Staple, freſh, ſound, and good in its Kind, and well dreſſed; and the ſaid Yarn ſhall be well cleanſed, even ſpun, and well twiſted; and all the Shoot Yarn of each Piece or Bolt of ſuch Sail Cloth of the aforeſaid Four Numbers ſhall be full as ſtrong as the Wharp Yarn, and cloſe ſtruck with Four Shoots of treble Threads of the Diſtance of every Two Feet, or thereabouts; and both the Wharp and Shoot Yarn ſhall be as ſtrong as the Wharp and Shoot Yarn that are uſually wrought in the Sail Cloth of thoſe Four Numbers that are made for and uſed in His Majeſty's Navy; and no Flax Yarn uſed or wrought in any Britiſh Sail Cloth ſhall be whitened with Lime, on Forfeiture of Six Pence per Yard for every Yard of Britiſh Sail Cloth that ſhall, from and after the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, be ſo whitened with Lime as aforeſaid, or be made, ſold, or worked up into new Sails in Great Britain, any Ways eſſentially different, lighter, or inferior in Strength or Goodneſs to any of the aforeſaid Directions or Reſtrictions.

6 d. per Yard Penalty on whitening Flax Yarn for Sail Cloth with Lime.

VIII. And for the better Obſervance of this Act, and the ſeveral Matters and Things herein before directed and required by all Perſons concerned in the ſaid Britiſh Manufacture of Sail Cloth, it is hereby enacted by the Authority aforeſaid, That every Sail Maker in this Kingdom, and all and every other Perſon or Perſons who ſhall make or work up Sail Cloth into Sails or Tarpawlins, ſhall cauſe this Act, or an Abſtract thereof, to be put up or affixed, and there to continue from time to time ſo put up and affixed, in ſome publick Part or Place of the Loft, Shop, Warehouſe, or Workhouſe where his ſaid Trade is carried on, or his Workmen employed, under the Penalty of Forty Shillings.

This Act, or an Abſtract of it, to be put up in Shops and Warehouſes, on Penalty of 40 *s.*

IX. And it is hereby further enacted by the Authority aforeſaid, That the ſeveral Penalties and Forfeitures herein before enacted and impoſed on Perſons offending contrary to this Act (not otherwiſe directed and applied) ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record in Great Britain, or in ſuch of His Majeſty's Plantations wherein ſuch Offence ſhall be committed; in which Suit no Eſſoign, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; which ſaid Forfeitures ſhall be applied, one Moiety thereof to His Majeſty, His Heirs, and Succeſſors, and the other Moiety thereof to the Perſon who ſhall ſue for the ſame.

Penalties how to be recovered and diſtributed.

X. And be it further enacted by the Authority aforeſaid, That this Act ſhall continue and be in Force for the Term of Five Years, to commence from the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſix, and from thence to the End of the then next Seſſion of Parliament, and no longer.

This Act to continue in Force from 24 *June*, 1736, for 5 Years.

CAP. XXXVIII.

An Act to explain and amend ſo much of an Act made in the Second Year of His preſent Majeſty's Reign, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament*, as relates to the commencing and carrying on of Proſecutions grounded upon the ſaid Act.

Preamble, reciting the Act 2 *Geo.* II. *c.* 24.

WHEREAS by an Act of Parliament made in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act for the more effectual preventing Bribery and Corruption in the Elections of Members to ſerve in Parliament*, it is enacted, That no Perſon ſhall be made liable to any Incapacity, Diſability, Forfeiture, or Penalty by the ſaid Act laid or impoſed, unleſs Proſecution be commenced within Two Years after ſuch Incapacity, Diſability, Forfeiture, or Penalty ſhall be incurred, or in caſe of a Proſecution the ſame be carried on without wilful Delay: And whereas Proſecutions may have been or may be commenced againſt Perſons offending againſt the ſaid Act, by ſuing out original or other Writs or Proceſſes againſt ſuch Perſons ſo offending within Two Years after the incurring any Incapacity, Diſability, Forfeiture, or Penalty laid or impoſed by the ſaid Act, and Perſons ſo ſuing out ſuch original or other Writs or Proceſſes may have delayed, or may delay, to ſerve the ſame, without giving the Perſons againſt whom ſuch original or other Writs or Proceſſes may have been or may be ſued out, any Notice thereof, by reaſon of which Practice the ſaid Proviſion for limiting the Time for the Proſecution of Perſons offending againſt the ſaid Act is or may be evaded; **now for explaining and amending the ſaid Proviſion, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Perſon ſhall be made liable to any Incapacity, Diſability, Forfeiture, or Penalty by the ſaid Act laid or impoſed, unleſs ſuch Perſon has been or ſhall be actually and legally arreſted, ſummoned, or otherwiſe ſerved with any ſuch original or other Writ or Proceſs, within the Space of Two Years after any Offence againſt the ſaid Act has been or ſhall be committed, ſo as the Service of any ſuch original or other Writ or Proceſs hath not been or ſhall not be prevented by ſuch Perſon abſconding, or withdrawing out of this Kingdom.**

No Perſon liable to any Penalty by the ſaid Act, unleſs perſonally ſerved with the Proceſs in Two Years after the Fact.

CAP. XXXIX.

An Act for making more effectual Two Acts of Parliament, One of the Tenth Year of the Reign of her late Majesty Queen *Anne*, and the other of the Seventh Year of the Reign of his late Majesty King *George* the First, for repairing the Road from *Highgate Gate-house* in the County of *Middlesex*, to *Barnet Block-house* in the County of *Hertford*; and the Road from the *Bear Inn* in *Hadley*, to the *Angel* in *Enfield Chace*; and for amending *Cane-wood Lane*, leading from *Highgate* to *Hampstead* in the said County of *Middlesex*.

Preamble reciting the Acts 10 *Anne*, not printed, and 7 *Geo.* I. *c.* 18.

WHEREAS by an Act passed in the Tenth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for repairing the Road from* Highgate Gate-house *in the County of* Middlesex, *to* Barnet Block-house *in the County of* Hertford, several Tolls were granted and made payable for the Term of Thirteen Years, from the Twenty fourth Day of *June*, One thousand seven hundred and twelve, which said Term was, by another Act passed in the Seventh Year of the Reign of his late Majesty King *George* the First, enlarged for the further Term of Seventeen Years; and by the said last mentioned Act, the Road leading from the *Bear Inn* in *Hadley*, to the Sign of the *Angel* in *Enfield Chace*, in the said County of *Middlesex*, was directed to be repaired: And whereas the Trustees appointed to put the said recited Acts in Execution have, upon the Credit of the said former Acts or one of them, borrowed a considerable Sum of Money, in order to amend all the Roads directed to be repaired by both the said Acts, Part of which Money so borrowed is still due and owing; and although all the Money borrowed, together with the Money arising by the Tolls collected, have been duly laid out according to the Directions of the said Acts, yet some Parts of the said Roads are in the Winter Season in a ruinous Condition, and cannot be effectually repaired according to the true Intent and Meaning of the said former Acts, and the Money now due upon the Credit thereof be repaid, unless the Terms and Powers granted by the said former Acts be further enlarged, *&c.*

The Tolls are farther continued for 21 Years.

Anno decimo GEORGII II. Regis.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued by several Prorogations to the First Day of *February*, 1736, being the Third Session of this present Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty seven.

CAP. II.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

[*To the same effect as* 9 Geo. II. cap. 2.]

CAP. III.

An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and thirty seven.

[*At* 2 s. *in the Pound*]

CAP. IV.

An Act for continuing an Act passed in the Fifth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for laying a Duty of Two Penies* Scots *or one sixth Part of a Peny* Sterling, *upon every Pint of Ale or Beer that shall be vended or sold within the Town of* Dunbar, *for improving and preserving the Harbour, and repairing the Town House, and building a School, and other publick Buildings there, and for supplying the said Town with Fresh Water.*

Preamble, reciting the Act 5 *Geo.* I. *c.* 16.

WHEREAS by an Act passed in the Fifth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for laying a Duty of Two Penies* Scots *or one sixth Part of a Peny* Sterling, *upon every Pint of Ale or Beer that shall be vended or sold within the Town of* Dunbar, *for improving and preserving the Harbour, and repairing the Town House, and building a School, and other publick Buildings there, and for supplying the said Town with Fresh Water*; it was enacted, That from and after the First Day of *June*, One thousand seven hundred and nineteen, for the Term of Nineteen Years, and to the End of the then next Session of Parliament, there should be laid an Imposition or a Duty of Two Peny *Scots* or one sixth Part of a Peny *Sterling*, over and above the Duty of Excise paid or payable to his then Majesty, his Heirs, and Successors, upon every *Scots* Pint of Ale and Beer that should be for Sale, either brewed, brought in, vended, tapt, or sold within the said Town, and Privileges thereof; and that the said Imposition or Duty should be paid and made payable by the Brewers, Vintners, Sellers, and Tapsters of the said Ale and Beer, for and during the Term aforesaid, to the Magistrates, and Town Council, and their Successors in Office for the time being, and their Assigns or Collectors, for the Uses and Purposes mentioned in the said Act: And whereas the said Imposition or Duty has been of very great Use to the said Town, by enabling them to carry on many and considerable publick Works, for which the annual Revenue of the said Town was not sufficient: And whereas the Money arising from the Imposition or Duty so laid and granted by the said Act, was intended to be laid out to defray the Expence of digging up part of a Rock at the bottom

bottom of the Harbour, and in carrying out the great Pier to the Rock called *The Beacon Rock*, and in cutting the Slope of the Iſland down to a Perpendicular, in order to make and render the Entry into the ſaid Harbour more ſafe and ſecure, and in ſupplying the Town with Freſh Water; but neither of the ſaid Works are yet ſo much as begun, and the Revenue of the ſaid Town, and alſo the ſaid Duty granted by the ſaid Act, are very much incumbred and burthened by the Works already done, inſomuch that in the Year One thouſand ſeven hundred and thirty four, the Debts of the ſaid Town amounted to Six hundred Pounds Sterling, or thereabouts; and the ſaid recited Act expiring in the Year One thouſand ſeven hundred and thirty eight, the reſpective Works directed to be done by the ſaid Act for the Service of the ſaid Town, and for the publick Good, muſt remain unfiniſhed, and what has already been done will ſoon go to Decay, unleſs the Term and Powers granted and given by the ſaid former Act be enlarged, *&c.*

The Duty is farther continued for 25 Years.

CAP. V.

An Act for enlarging the Term granted by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing ſeveral Roads therein mentioned, leading into the City of* Worceſter; and for repairing ſeveral other Roads lying contiguous to the ſame; and for reducing the Toll or Duties granted on Sheep and Lambs by the ſaid Act.

Preamble reciting the Act 12 *Geo.* I. *c.* 14.

WHEREAS by an Act made in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing ſeveral Roads therein mentioned, leading into the City of* Worceſter, ſeveral Tolls and Duties were granted and made payable, and divers Powers and Authorities given, for repairing the ſaid Roads, and for putting the ſaid Act in Execution, which ſaid Act was to have Continuance for and during the Term of One and twenty Years, from the Firſt Day of *June*, One thouſand ſeven hundred and twenty ſix: And whereas the Truſtees appointed to put the ſaid Act in Execution have, in purſuance of the Power to them given, borrowed a conſiderable Sum of Money upon the Credit of the ſaid Act, which together with the Tolls collected and received hath been duly applied according to the Direction of the ſaid Act, whereby great Progreſs hath been made in amending the ſaid Roads; but the ſame cannot be effectually repaired and kept amended, and the Money borrowed repaid, unleſs the Term and Powers granted and given by the ſaid Act be further continued and enlarged: And whereas the Waggon Road from *Severn Stoke* in the ſaid County to the great Bridge near *Upton* upon *Severn*, the Roads leading from the *Mitre Oak* to *Titton* Brook, and to a Farm-houſe called *Goodneſs*, in the Pariſh of *Hartlebury*, and the Road leading from *High Ladder Stile* to the Bottom of *Crumpall Hill*, in the Pariſh of *Leigh*, and the Road leading from a Place called Maſter *Andrews*'s *Houſe*, at the Hill through *Hatfield*, to the End of *Narrow Wood* Lane, adjoining to *Wadberrow* Common, and the Roads leading from *Bransford* to *Pittyford*'s Bridge, in the Pariſh of *Leigh*, and from *Bransford* aforeſaid to *Herefordſhire* Lake, in the Pariſh of *Suckley*, and from the *Hundred Houſe* to *Stockton* Brook, in the Pariſh of *Stockton*, and the Road leading from *Home* Bridge to a Place called *Clifton*'s Wood, in the Pariſh of *Clifton* (not included in the Roads directed by the ſaid former Act to be repaired, but adjoining thereto) are, by Reaſon of many heavy Carriages frequently paſſing through the ſame, become very ruinous, and in the Winter and wet Seaſons many Parts thereof are ſo bad, that the ſame are dangerous to Paſſengers: And whereas the ſaid Roads laſt mentioned cannot by the ordinary Courſe appointed by the Laws in Being (for repairing of the Roads of this Kingdom) be ſufficiently amended, and kept in good Repair, unleſs aſſiſted with the Tolls and Duties to be raiſed and made payable by the ſaid former and this preſent Act, *&c.*

The Tolls are farther continued for 21 Years, and to the End of the next Seſſion of Parliament.

CAP. VI.

An Act for the better repairing and paving the Highways, Streets, and Water-courſes within the City of *New Sarum*, and for enlightning the Streets, Lanes, and Paſſages, and better regulating the Nightly Watch within the ſaid City.

Preamble.

WHEREAS the City of *New Sarum* in the County of *Wilts*, is a City of conſiderable Trade in the Woollen Manufacture, and is very populous, wherein ſeveral Fairs, and the Aſſizes for the ſaid County, are kept and held yearly, and through which the main *Weſtern* Road from the City of *London* to *Exeter*, *Cornwall*, and the Towns and Places adjacent, directly leads, which, together with the pleaſant Situation of the Place and the Country thereabout, occaſions great Numbers of Gentry and other Perſons to reſort to, and reſide in the ſaid City: And whereas the Streets, Highways, Bridges, and Water-courſes, within the ſaid City, are ſo very much out of Repair that the Inhabitants thereof cannot, by the Laws now in Being (for the repairing the Highways) raiſe Money ſufficient for amending the ſame; nor can the ſaid Laws be put in Execution without great Hardſhips to the poorer Sort of Inhabitants there: And whereas the cleanſing the Streets and Water-courſes, the enlightning the Streets, and keeping a ſtrong and well regulated Watch in the Night time, within the ſaid City, will be of great Importance, and tend to the Preſervation of the Perſons and Properties of the Inhabitants thereof, and other Perſons reſorting thereto; now to the End that Proviſion may be made to anſwer the good Purpoſes aforeſaid, may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and

Truſtees.

after the Firſt Day of May, One thouſand ſeven hundred and thirty ſeven, the Mayor, Recorder, and Juſtices of the Peace of and for the ſaid City for the time being, together with Four of the principal Inhabitants to be choſen yearly and every Year out of each of the Pariſhes called Saint Thomas, Saint Edmund, and Saint Martin, in the ſaid City (which ſaid Inhabitants ſhall be choſen in ſuch Manner as is herein after preſcribed) ſhall be and they are hereby nominated, conſtituted, and appointed Directors and Truſtees of and for the Intents and Purpoſes in this Act mentioned and declared.

How and when to be choſen;

II. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for ſuch of the Inhabitants of the ſaid Pariſhes of Saint Thomas, Saint Edmund, and Saint Martin, as pay to the Poor and Way Rates of the ſaid Pariſhes reſpectively, to meet and aſſemble in the Veſtry Room of their reſpective Pariſhes, or in ſuch Place wherein the Buſineſs of the ſaid Pariſhes is uſually tranſacted and done, on the Firſt Monday after the

ſaid

ſaid Firſt Day of May, One thouſand ſeven hundred and thirty ſeven, between the Hours of Ten of the Clock in the Morning and Two in the Afternoon; and on the Firſt Monday after the Twenty fifth Day of March between the ſaid Hours in every enſuing Year; and the ſaid Inhabitants ſo met and aſſembled, and the major Part of them then preſent, ſhall then and there and they are hereby required to nominate, chooſe, and appoint Four of the moſt ſubſtantial Inhabitants of each and every of the Pariſhes aforeſaid, to be joined with the Mayor, Recorder, and Juſtices of the Peace of the ſaid City for the time being, for putting this Act in Execution; and in caſe of the Death or Removal of any of the ſaid Inhabitants ſo nominated, choſen, or appointed, or their refuſing to act, it ſhall and may be lawful to and for the Inhabitants, at the reſpective Veſtries or Places of aſſembling as aforeſaid, to meet (Four Days Notice being always given of ſuch Meetings in the Churches of the ſaid Pariſhes reſpectively on the Lord's Day immediately after Divine Service) and then and there nominate, elect, and appoint ſo many fit Perſons, inhabiting within the Pariſh, to ſupply the Places of ſuch Perſons as ſhall die, remove, or refuſe to act, to be joined with the Truſtees and Directors conſtituted and appointed to put this Act in Execution; and ſuch Perſon or Perſons as ſhall from time to time be ſo elected and appointed, ſhall from thenceforth have the ſame Power and Authority to act in all things relating to the Matters herein contained, as if he or they had been expreſly named in and appointed by this Act.

when and where to meet.

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Directors and Truſtees ſo appointed and conſtituted as aforeſaid, or any Thirteen or more of them, to meet, and they are hereby authorized and required to meet and aſſemble together, at the Council Chamber within the ſaid City, on the Sixth Day of May, One thouſand ſeven hundred and thirty ſeven, between the Hours of Nine and Twelve in the Forenoon, in order to put this Act in Execution, and ſhall and may from and after that time by Adjournment meet and aſſemble together there, or at any other convenient Place within the ſaid City, as they or any Thirteen or more of them ſhall appoint.

Who to act, if proper Truſtees be not choſen.

IV. Provided always, and be it enacted by the Authority aforeſaid, That in caſe the Inhabitants of the Three Pariſhes aforeſaid reſpectively ſhall neglect or refuſe to nominate and appoint Four of the Inhabitants out of each of the ſaid Pariſhes to be joined to, and act with the Mayor, Recorder, and Juſtices of the ſaid City, according to the Directions herein before preſcribed; then it ſhall and may be lawful to and for the Mayor, Recorder, and Juſtices for the time being, or the major Part of them, and they are hereby authorized and required, to proceed to put this Act in Execution; any thing herein contained to the contrary notwithſtanding.

Watchmen,

V. And be it further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſeven, there ſhall be Ten Perſons appointed to watch every Night within the ſaid City, from the ſaid Twenty ninth Day of September to the Twenty fifth Day of March following, and ſo from Michaelmas to Lady-day, yearly and every Year; and alſo there ſhall be appointed One Perſon to be Keeper and Lighter of the Lamps, and One Perſon to be Scavenger, Raker, and Cleanſer of the Streets there; all which Twelve Officers aforeſaid ſhall be yearly choſen and appointed by the ſaid Directors and Truſtees, or any Thirteen or more of them.

Lamp-lighter, and Scavenger appointed.

Penalty of 5 s. on Treſpaſs.

VI. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons to be appointed purſuant to this Act for the Duties and Services herein before or herein after mentioned, any or either of them, ſhall from time to time and at all times obey and obſerve, perform and duly execute, all and all Manner of Orders, Directions, and Rules, as ſhall from time to time be made or given by the ſaid Directors and Truſtees appointed to put this Act in Execution, and their Succeſſors, or any Thirteen or more of them aſſembled, for or concerning the Duties, Services, Matters, and Things to be done, performed, and executed for the Purpoſes aforeſaid, and as herein after is mentioned, according to the true Intent and Meaning of this Act, upon Pain of forfeiting Five Shillings for every Offence, Refuſal, or Neglect.

Inhabitants to clean before their Houſes twice a Week.

VII. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons inhabiting within the ſaid City ſhall from and after the ſaid Firſt Day of May, One thouſand ſeven hundred and thirty ſeven, ſweep and cleanſe, or cauſe to be ſwept and cleanſed, all the Streets, Lanes, and publick Places before their reſpective Houſes, Buildings, and Walls, twice in every Week (that is to ſay) every Wedneſday and Saturday in the Week, between the Hours of Two and Five in the Afternoon, to the End the Dirt and Soil in the ſaid Streets, Lanes, and publick Places, may be heaped ready for the Scavengers to carry away, upon Pain of forfeiting One Shilling for every ſuch Offence or Neglect; and no Perſon or Perſons whatſoever ſhall throw, caſt, or lay, or cauſe, permit, or ſuffer to be thrown, caſt, or laid, any Sea-coal Aſhes, Wood Aſhes, Rubbiſh, Duſt, Timber, Dirt, Dung, Filth, Carts, Carriages, Tubs, or other Annoyances, in any open Street, Lane, or publick Paſſage, Place, or Water-courſe, within the ſaid City, before or againſt his, her, or their Dwelling-houſe or Houſes, Buildings, or Walls, or of his, her, or their Neighbour or Neighbours, or other the Inhabitants there, or before or againſt any Church or Churchyard, or other Place whatſoever, within the ſaid City, upon Pain of forfeiting for every ſuch Offence One Shilling, to be levied, recovered, and diſpoſed of as herein after is directed; but ſuch Inhabitant and Inhabitants ſhall, and he, ſhe, and they are hereby required to keep ſuch Soil, Aſhes, Rubbiſh, Duſt, Dirt, Dung, and Filth, or cauſe the ſame to be kept, in their reſpective Houſes, Backſides, or Yards, until ſuch time as the Scavenger or other Officer thereto appointed, ſhall come by or near their Houſes or Doors with his Cart, Wheelbarrow, or other Vehicle uſed for carrying away thereof; and then ſuch Inhabitant and Inhabitants ſhall and is and are hereby required to carry and deliver ſuch Soil, Rubbiſh, Duſt, Dirt, Dung, and Filth, into the Scavenger's Cart, Wheelbarrow, or Vehicle, as aforeſaid, upon Pain of forfeiting One Shilling reſpectively for every ſuch Offence.

And to throw no Filth into the Streets, &c.

on Forfeiture of 1 s.

Scavenger's Duty,

VIII. And be it further enacted by the Authority aforeſaid, That the Scavenger or Officer appointed in purſuance of this Act ſhall every Monday and Thurſday in every Week bring or cauſe to be brought Dungpots or other convenient Carriages into all Streets and Places

within the said City where such Carts and Carriages can pass, and at or before their Approach by Bell, Horn, or Clapper, or otherwise by a loud Voice or Cry, shall give Notice to the Inhabitants of their coming, and give the like Notice in every Court, Alley, and Place into which the said Carts and Carriages cannot pass, and abide and stay there a convenient Time, so that the Persons concerned respectively may bring forth their Soil, Ashes, Rubbish, Dust, Dirt, Dung, and Filth, to the Cart and Carriages, all which the said Scavenger or Officer appointed for that Purpose shall on the Days last before mentioned carry away or cause to be carried away gratis, upon Pain of forfeiting Ten Shillings for every such Offence or Neglect, except all such Rubbish, Earth, Dust, Dirt, Filth, and Soil, as shall be occasioned by building, repairing, or altering of any House or Houses, or any other Sort of Buildings, or by emptying of necessary Houses or other Conveniencies; which said Rubbish, Earth, Dust, Dirt, Filth, and Soil, shall within the Space of Three Days be carried away by the respective Owners or Occupiers of such Houses or Buildings respectively as aforesaid, upon Pain of forfeiting and paying the Sum of Twenty Shillings for every such Offence, to be recovered, levied, and disposed of as herein after is mentioned.

and Penalty on Trespass.

Trustees to have the ordering of Lamps,

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Directors and Trustees for putting this Act in Execution, or any Thirteen or more of them so assembled as aforesaid, to order and appoint what Number and Sort of Lamps, and how and where they shall be set up, or to what House or Buildings within the said City they shall be fixed, or where the same shall be placed, and for what and how long Time the same shall be and continue lighted; and also to appoint at what Places the said Watchmen shall stand, and where they shall be stationed, and in what Manner and how often they shall go their Rounds, and how they shall be armed; how long they shall watch, and what Wages and Allowances shall be paid and given to such Scavenger, Raker, and Cleanser of Streets, Alleys, Passages, and Water-courses; and to such Keeper and Lighter of Lamps, and Watchmen; and shall and may from time to time make such other Orders and Regulations as the Nature of each particular Service shall seem to them to require.

and Watchmen.

Copy of Orders to be delivered to the Sub-constables.

X. And be it enacted by the Authority aforesaid, That the said Directors and Trustees, or any Thirteen or more of them, shall with all convenient Speed cause a true Copy or Transcript of all such Orders and Regulations as shall be made from time to time concerning the said Watch, for the better Direction and Government of the Watchmen so to be appointed, to be delivered to the Sub-constables for the time being of the said City, and to every of them; and that from and after the Twenty ninth Day of September, One thousand seven hundred and thirty seven, One of the said Sub-constables for the time being shall attend every Night by Turns, and shall keep Watch and Ward within the said City at the Places they shall respectively be appointed as aforesaid from the Hours of Nine of the Clock in the Evening till Six of the Clock the next Morning, from the said Twenty ninth Day of September, One thousand seven hundred and thirty seven, till the Twenty fifth Day of March following, and so yearly and every Year afterwards; and shall in their several Turns or Courses of watching use their best Endeavour to prevent as well all Mischiefs happening by Fire, as all Murders, Burglaries, and other outragious Disorders; and to that End shall arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering, or misbehaving themselves, and shall carry the Persons who shall be so apprehended, as soon as conveniently may be, before the said Mayor, Recorder, or One of the Justices of the Peace for the said City, to be examined and dealt with according to Law; and shall Twice or oftner at convenient Times in every Night, go about their respective Wards, Precincts, or Stations, and take Notice whether all the Watchmen perform their Duties in their several Places and Stations, according to such Orders and Regulations as shall be made for that Purpose as aforesaid; and in case any such Watchmen shall misbehave themselves, or neglect their Duties, the said Sub-constable shall give Notice thereof to the Directors and Trustees at their next Meeting, in order for the Examination and Punishment of such Offence.

Particulars of their Duty.

Watchmens Charge.

XI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them, in the Absence of the Sub-constable, and they are hereby respectively authorized and required in their several Stations, during the Time of their keeping Watch and Ward as aforesaid, to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons disturbing the publick Peace, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Sub-constable of the Night, who is hereby required to carry him or them before the Mayor, Recorder, or One of the Justices of the Peace for the said City for the time being, to be examined and dealt with according to Law.

XII. And for defraying the Charges and Expences of repairing and cleansing the Highways, Streets, Lanes, Passages, Bridges, and Watercourses, and of buying, setting up, and maintaining the said Lamps, and supplying the same with proper Materials, and keeping such Nightly Watch within the said City as aforesaid; be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and thirty seven, the said Directors and Trustees, or any Thirteen or more of them, so assembled as aforesaid, shall and may under their Hands and Seals nominate and appoint Two Inhabitants or Residents of the respective Parishes within the City aforesaid to be Assessors, in order to raise Money for the Purposes in this Act mentioned; and such Persons so nominated and appointed Assessors are hereby impowered and required to make and settle an half yearly Rate or Rates, Assessment or Assessments, upon all Owners and Occupiers of any Lands, Messuages, Houses, Tenements, Malt-houses, Granaries, Buildings, Yards, Orchards, Garden-grounds, and Hereditaments, situate, lying, and being within the said respective Parishes in the said City, not exceeding Two Shillings in the Pound yearly for the first Five Years, and One Shilling in the Pound yearly afterwards, upon all such Lands, Messuages, Houses, Tenements, Malt-houses, Granaries, Buildings, Yards, Orchards, Garden-grounds, and Hereditaments respectively, as the same Premisses were rated or assessed

Assessors.

Who to be assessed.

What Assessments to be made.

ſeſſed by the Aſſeſſment for the Relief of the Poor in the Year then next preceding ſuch Rates and Aſſeſſments ſo to be made by virtue of this Act; which Rates or Aſſeſſments hereby directed to be made ſhall be ſigned by Two or more of the Juſtices of the Peace for the ſaid City; and after the Rates and Aſſeſſments ſo made and confirmed, the ſaid Directors and Truſtees, or any Thirteen or more of them, ſhall have full Power, and they are hereby authorized and required, to cauſe the ſame to be collected quarterly or half-yearly, and to appoint Two or more Perſons to collect the ſame in each and every of the ſaid Pariſhes within the ſaid City; and if any Perſon or Perſons ſhall wilfully refuſe or neglect to aſſeſs or collect ſuch Rates or Aſſeſſments as aforeſaid, being thereunto ſummoned and appointed as aforeſaid, every ſuch Perſon or Perſons ſhall for every Offence forfeit and pay the Sum of Five Pounds, to be recovered, levied, and diſpoſed of, as herein after is directed; and the ſaid Rates and Aſſeſſments by this Act ſo to be made ſhall be ſubject to and chargeable with ſuch Sum or Sums of Money as ſhall from time to time be advanced, borrowed, raiſed, or received, for carrying on the ſeveral Works hereby intended and directed to be done; which ſaid Rates and Aſſeſſments ſhall be paid by the reſpective Proprietors and Inhabitants for the time being of the reſpective Premiſſes ſo rated and aſſeſſed according to their reſpective Eſtates and Intereſts therein, to the ſaid Directors and Truſtees, or any Thirteen or more of them, or to ſuch Perſon or Perſons as they or any Thirteen or more of them ſhall appoint, in the following Manner and Proportions; that is to ſay, the Landlord or Owner of the Houſes and Premiſſes ſhall bear and pay Two Parts in Six thereof, and the Tenants or Occupiers of ſuch Houſes and Premiſſes for the time being, ſhall bear and pay the remaining Four Parts thereof; and in caſe any Perſon or Perſons ſo aſſeſſed ſhall refuſe or neglect to pay ſuch Rate or Aſſeſſment by the Space of Four Days next after Demand thereof made, it ſhall and may be lawful to and for the ſaid Collectors reſpectively by Warrant under the Hands and Seals of Two or more of the ſaid Juſtices to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay the ſame (if the ſame can be found within the ſaid City) rendring to ſuch Perſon or Perſons ſo refuſing or neglecting, the Overplus (if any be) after the neceſſary Charges of making ſuch Diſtreſs and Sale being firſt deducted.

How to be collected.

Money lent for carrying on the Works to be repaid out of the Rates.

Proportion of Payment.

The Money, upon Refuſal, to be levied by Diſtreſs.

XIII. And to the End the ſaid Rates charged and laid by virtue of this Act may be the more effectually collected and received; be it further enacted, That all and every the Tenants and Occupiers of the Houſes and Premiſſes ſo charged and tared be and ſhall be liable to pay the whole of ſuch Rate to the Collector or Collectors, to be appointed by the ſaid Directors and Truſtees, as is directed by this Act; and in caſe of ſuch Payment ſuch Tenant or Tenants ſhall be at Liberty to deduct and detain out of his, her, or their Rent, ſuch Proportion of ſuch Rates as they ſhall reſpectively pay on Account of the ſeveral Landlords or Proprietors of the ſaid Houſes and Premiſſes; and ſhall be, and he, ſhe, and they, is and are hereby ſaved and kept harmleſs from any further Payment of any ſuch Proportion of any ſuch Rate or Rates to any Perſon or Perſons to whom any ſuch Rent or Rents ſhould or ought to be paid.

Tenants to pay the whole Rate, and deduct the Landlord's Share out of the Rent.

XIV. Provided always, and be it further enacted by the Authority aforeſaid, That if any Differences or Diſputes ſhall ariſe or happen between any of the Inhabitants or Occupiers of any Lands, Ground, Houſe, Shop, Ware-houſe, Building, or other Premiſſes, rated or aſſeſſed for the Purpoſes aforeſaid, and their reſpective Under-tenants or Lodgers, for or concerning their reſpective Proportions of any ſuch Rates or Aſſeſſments made by virtue of this Act, or if any Perſon or Perſons ſhall find him, her, or themſelves aggrieved by any Rate or Aſſeſſment made in purſuance of this Act, then and in every ſuch Caſe the ſaid Directors and Truſtees for the time being, or any Thirteen or more of them, ſhall and may hear and determine all and every ſuch Differences and Diſputes, and their Determination therein ſhall be final and concluſive.

Truſtees to determine Differences.

XV. Provided alſo, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons who ſhall be charged with or pay any Rate or Aſſeſſment to be made, or be employed by virtue or in purſuance of this Act, ſhall gain or be thereby deemed or conſtrued to gain any Settlement in the Pariſh or Place wherein ſuch Aſſeſſment, Taxation, or Payment ſhall be made.

This Rate intitles no one to a Settlement.

XVI. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons who ſhall receive any Money by virtue of this Act for the Purpoſes aforeſaid, ſhall from time to time, and as often as the ſaid Directors and Truſtees, or any Thirteen or more of them at any time aſſembled, ſhall require, make, and render to ſuch Directors and Truſtees, or unto ſuch other Perſon or Perſons as they ſhall appoint, a true and perfect Account upon Oath (which ſaid Oath may be taken in Writing without any Stamp thereupon, and the Mayor, Recorder, and every one of the Juſtices is hereby impowered and required to adminiſter the ſame) of all ſuch Sums of Money by ſuch Perſon or Perſons collected or received, or which ſhall have been rated and aſſeſſed as aforeſaid and not received, and all other Matters and Things committed to their Charge by virtue of and under the Authority of this Act, and pay and deliver unto ſuch Perſon or Perſons as the ſaid Directors and Truſtees, or any Thirteen or more of them, ſhall direct and appoint, all and every ſuch Sum and Sums of Money as ſhall remain in his or their Hands at the Time of ſuch Account; and if ſuch Collector or Collectors ſhall refuſe or neglect to account for and pay ſuch Sum and Sums of Money accordingly, any Two or more of the ſaid Juſtices ſhall and may by virtue of this Act commit ſuch Perſon or Perſons to the common Gaol or Bridewell of the ſaid City, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Satisfaction, and paid ſo much as upon the ſaid Account ſhall appear to be remaining in his or their Hands.

Collectors to give an Account upon Oath of the Monies received,

and pay it unto Perſons appointed,

otherwiſe to be impriſoned.

XVII. And be it further enacted by the Authority aforeſaid, That the Property of the ſaid Lamps ſhall be veſted in the Mayor of the ſaid City for the time being, who is hereby authorized and impowered to bring Actions and prefer Bills of Indictment againſt any Perſon or Perſons ſtealing, taking away, breaking, extinguiſhing, or ſpoiling the ſame.

The Mayor to have the Property of the Lamps.

XVIII. And to the End the ſaid Highways, Streets, Paths, Paſſages, Bridges, and Watercourſes within the ſaid City, may from time to time be well repaired, paved, and cleanſed,

ed, and so kept; be it further enacted, That from and after the said First Day of May, One thousand seven hundred and thirty seven, it shall and may be lawful for the said Trustees and Directors, or any Thirteen or more of them so assembled as aforesaid, to make such Orders and Rules touching and concerning the paving, repairing, or removing of Rubbish and other Annoyances and Obstructions out of the Highways, Streets, Paths, Passages, and for the repairing any Bridges; and also for altering, diverting, and sinking deeper any Water-course or Water-courses within the said City and the Liberties and Precincts thereof, as to them shall seem most meet and convenient for effecting the good Intents and Purposes of this Act.

Trustees to direct the paving.

XIX. And for the effectual performing a Proportion of the Statute Work in and upon the Highways, Streets, Lanes, and Passages, in the respective Parishes by this Act directed to be repaired by such of the Inhabitants of the said respective Parishes as are not rated, and do not pay to or are chargeable with the Assessments to be made by virtue hereof, for repairing the same; be it further enacted by the Authority aforesaid, That from and after the said first Day of May, One thousand seven hundred and thirty seven, upon any Application of the Surveyors of the respective Parishes within the said City to the Directors and Trustees assembled as aforesaid, for such Inhabitants of the said respective Parishes not rated or paying to such Assessments to do three Days Statute-work, it shall and may be lawful for the said Directors and Trustees from time to time to order and appoint such Inhabitants to do so many Days Work (not exceeding three Days Work) in one Year, on the said Highways, Streets, Lanes, and Passages, as they shall think fit, which said Work shall be done by such Persons on such Days and at such Times, and at such Places, and in such Manner as the said Directors and Trustees, or any Thirteen or more of them shall direct and appoint: And if any Person or Persons shall neglect or refuse to do such Work so appointed and ordered to be done as aforesaid, every such Person or Persons respectively, for every Day he or they shall make Default, shall forfeit and pay the Sum of one Shilling and six Pence; which said Forfeiture shall be recovered, levied, and disposed of as any other Penalty is directed to be recovered, levied, and disposed of, in and by this Act.

Inhabitants not rated, to do 3 Days Work,

or forfeit 1 s. 6 d. per Day.

XX. And to the End that no Disputes may arise touching what Part of the Streets and Roads intended to be repaired, shall be first amended; be it declared and enacted by the Authority aforesaid, That the said Directors and Trustees, or any Thirteen or more of them, shall order and direct the Streets and Roads leading from Winchester Gate through Winchester Street, Catharine Street, and Drakehall Street, to a Place called Pollsam's Corner (they being the most ruinous) to be repaired in the first Place, and after such Parts of the said Streets and Roads shall be sufficiently amended, the said Directors and Trustees, or any Thirteen or more of them, shall and they are hereby impowered and required to order and direct the Money arising by virtue of this Act, to be laid out and applied in repairing and amending the other Parts of the said Streets and Roads, in such Manner as is directed and prescribed by this present Act.

The Order in which the Streets, &c. are to be repaired.

XXI. And be it further enacted by the Authority aforesaid, That for the future such Person or Persons to be appointed Surveyor or Surveyors of the Highways for the respective Parishes within the said City, shall dispose of and apply the said several Sums so collected and received, for the repairing, paving, and cleansing the same, and for purchasing of Stone, Gravel, and other Materials for that Purpose, according to the Orders and Directions of the said Directors and Trustees, or any Thirteen or more of them, and not otherwise; which Orders and Directions such Surveyor or Surveyors are hereby required to observe and obey, under Pain of forfeiting and paying for each and every such Offence the Sum of twenty Shillings, to be recovered, levied, and disposed of, as is hereafter directed.

Surveyor's Charge.

Penalty of 20 s.

XXII. Provided always, That all Monies arising and to be collected by virtue of this Act from the Inhabitants of the three several Parishes within the said City shall be applied towards the Repairs of the Highways within the said City, where most need shall be in general, and without Distinction, in the same Manner as if the whole City was but one entire Parish.

Repairs to be first where most wanted.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Directors and Trustees, or any Thirteen or more of them, at their first or any subsequent Meeting by any Writing under their Hands and Seals to nominate and appoint such Person to be Clerk to them, as they think proper: but such Clerk shall be subject and liable to be displaced and removed, and a new One appointed in his Place, at any Meeting of the said Directors and Trustees, or any Thirteen or more of them; and if it shall happen that there shall not appear at any Meeting, which shall be appointed to be held by the said Directors and Trustees, a sufficient Number thereof to act at such Meeting, and to adjourn to another Day, then and in such Case the Clerk to them shall and may by publick Notice in Writing to be affixed at or on all the Out-sides of the Market House in the said City at least Four Days before the next Meeting appoint the said Directors and Trustees to meet at the Place where the last Meeting of the said Directors and Trustees was appointed to be held, or at some other convenient House near the Place where the last Meeting was held, on some certain Day to be inserted in such Notice.

Trustees to appoint a Clerk,

who is to summons the Trustees.

XXIV. And whereas a great Quantity of Gravel will be constantly used to repair the Streets and Highways within the said City, and great Quantities of Dirt, Dust, Ashes, Rubbish, and other Filth be continually carried out from thence by the Scavengers to be appointed for the Purposes aforesaid; and therefore it will be necessary, in order to lessen the Expence of repairing and cleansing the Streets and Highways within the said City, that a proper Piece of Land or Ground near the said City should be purchased, or a Lease thereof obtained, where Gravel may be dug, and the Dirt, Dust, Ashes, Rubbish, and Filth, carried and laid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Directors and Trustees, or any Thirteen or more of them so assembled as aforesaid, and they are hereby authorized and impowered, to contract and agree for the absolute Purchase, or for a Lease, of One or more such Piece or Pieces of Land or Ground lying near the said City, as they shall judge proper for the Purposes aforesaid, not exceeding one Acre in the whole.

A Spot of Ground for Gravel to be purchased, or a Lease to be taken.

XXV. Provided

XXV. Provided always, and it is hereby enacted, That the Conveyance or Lease of such Land or Ground so to be purchased or rented as aforesaid shall be made to the Mayor of the said City, and his Successors, who is hereby authorized and impowered to accept and hold the same by Virtue of such Conveyance and Lease, and such Land or Ground when so purchased or rented shall be constantly applied to, and used only for, the Purposes aforesaid; and the Money paid for the Purchase or annual Rent of such Land or Ground, shall be raised and levied in the same Manner as the Monies for repairing and cleansing the Streets and Highways within the said City are herein before directed and appointed to be raised and levied. The Conveyance of it to be made to the Mayor.

XXVI. Provided nevertheless, and be it further enacted by the Authority aforesaid, That all and every Person or Persons, Bodies Politick or Corporate, who are now liable by any Law, Custom, or Usage, to repair any Ways, Streets, Lanes, Passages, Bridges, or Watercourses, within the said City, shall be still liable to repair the same; any thing herein contained to the contrary thereof in any wise notwithstanding. Persons before obliged to repair any Streets, &c. are still so.

XXVII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Directors and Trustees, or any Thirteen or more of them, and they are hereby required to direct, that a Book or Books shall be prepared and kept, wherein shall be fairly entered the Names of the Scavenger and other Officers employed in repairing and cleansing the said Highways, Streets, Paths, Passages, Bridges, and Watercourses, and the Names of the Keeper and Lighter of Lamps, and of the Watchmen which shall be elected and appointed pursuant to this Act, and Copies of all Orders and Proceedings relating to the said Scavenger, Lamps, and Watch, and also an Account of all Sums of Money raised and paid, and how the same have been applied for the Purposes mentioned in this Act; which Book or Books every Person or Persons contributing to the Charge of the said Scavenger, Lamps, and Watch, may from time to time and at all convenient times resort to, and peruse and inspect, without Fee or Reward. A Register Book to be kept.

XXVIII. Provided also, and it is hereby enacted and declared, That no Person or Persons, who shall be rated, assessed, and pay to any Rate or Rates, Assessment or Assessments to be made in pursuance of this Act, shall be liable to any Watch or Ward within the said City by Virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statute relating thereto; but such Person and Persons shall be and are hereby discharged of and from the same. Payers of the Rates not liable to watch.

XXIX. Provided always, and it is hereby declared, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, lessen, or take away any of the Rights, Privileges, or Powers belonging to the Lord Bishop of Salisbury, or his Successors. This Act not to affect the Bishop of *Salisbury*,

XXX. Provided also, and be it further declared, That nothing in this Act contained shall be construed to extend to any Hamlet or Tything of any Parish, such Hamlet and Tything being out of the Limits and Jurisdiction of the said City and not having been usually rated or taxed towards the Repairs of the Highways of the said City. nor to affect any Hamlet or Tything out of the City.

XXXI. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act incurred or imposed (the Manner of recovering and levying whereof is not otherwise hereby particularly directed) shall, if not paid within Six Days after demanded, be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant or Warrants under the Hands and Seals of the Mayor, Recorder, and Justices for the time being, or any Two or more of them, which Warrant or Warrants they, or any Two or more of them, are hereby impowered and required to make, upon the Information of One or more credible Witness or Witnesses upon Oath before them, or any Two or more of them (which Oath they or any One or more of them are hereby impowered and required to administer) and that all the Penalties and Forfeitures, when recovered, after rendring the Overplus (if any be) when demanded to the Party or Parties whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid into the Hands of such Person or Persons, and be laid out and applied to and for such Uses and Purposes mentioned in this Act, as the said Directors and Trustees, or any Thirteen or more of them, shall under their Hands direct and appoint; and in case no such Distress as aforesaid can be had, then it shall and may be lawful for the said Mayor, Recorder, and Justices for the time being, or any Two or more of them, by like Warrant or Warrants, to commit the Party offending unto the Common Gaol or Bridewell of the said City, for the Space of Twenty Days, without Bail or Mainprize. Forfeitures how to be levied. Trustees to apply them.

XXXII. Provided always, That it shall and may be lawful to and for the Directors and Trustees for the time being, and their Successors, or any Thirteen or more of them, from time to time, where they see Cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures as they in their Discretion shall think fit, so as such Mitigation or Composition do not extend to remit above one Moiety of the Penalty or Forfeiture inflicted and directed to be levied by this Act; and every such Mitigation or Composition shall be a sufficient Discharge to the Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted. Trustees may mitigate Penalties under Restrictions.

XXXIII. Provided also, and it is hereby enacted, That at every Meeting of the Directors and Trustees by virtue of this Act, the Mayor or Recorder of the said City for the time being, if present, or in their Absence, the senior Justice of the Peace of the said City then present, shall preside. President of the Trustees.

XXXIV. And it is hereby further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done in pursuance of this Act, then and in every such case the Action or Suit shall be brought within Three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the County of Wilts, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if it shall appear to be done in pursuance of this Act, or that such Action or Suit shall be brought after the Time herein before limited in that Behalf, or shall be brought in any other County, City, Suits where and when to commence. General Issue.

or Place, than as aforesaid, then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law: And this Act shall be taken and allowed in all Courts of Justice within this Kingdom as a Publick Act, and all Judges and Justices are hereby required to take Notice thereof as such, without special pleading the same.

Treble Costs.

Publick Act.

CAP. VII.

An Act for continuing an Act passed in the Third Year of the Reign of His late Majesty King *George* the First, *For laying a Duty of Two Penies* Scots, *or one Sixth Part of a Peny* Sterling, *on every Pint of Ale or Beer that shall be vended or sold within the Town of* Dumfreis, *and Privileges thereof, for paying the Debts of the said Town, and for building a Church, and making a Harbour there*; and for laying a Duty on the Tonnage of Shipping, and a Duty on Goods imported and exported into and out of the Port of the said Town, for the better repairing of the said Harbour.

Preamble. reciting the Act 3 *Geo.* I. *c.* 6.

WHEREAS by an Act passed in the Third Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for laying a Duty of Two Penies* Scots, *or one Sixth Part of a Peny* Sterling, *upon every Pint of Ale or Beer that shall be vended or sold within the Town of* Dumfreis, *and Privileges thereof, for paying the Debts of the said Town, and for building a Church, and making a Harbour there*, it was enacted, That from and after the First Day of *July*, One thousand seven hundred and seventeen, for the Term of Nineteen Years, and to the End of the then next Session of Parliament, there should be laid an Imposition or Duty of Two Penies *Scots*, or the Sixth Part of a Peny *Sterling*, over and above the Duty of Excise paid or payable to His then Majesty, His Heirs, and Successors, upon every *Scots* Pint of Ale and Beer that should be either brewed, brought in, or vended, tapt, or sold within the said Town, and Privileges thereof; and that the said Duty should be paid and made payable by the Brewers, Vintners, Sellers, and Tapsters of the said Ale and Beer, for and during the Time aforesaid to the Magistrates and Town Council of the said Town, and their Successors in Office for the time being, and their Assigns and Collectors, for the Uses mentioned in the said Act: And whereas the Magistrates and Town Council of the said Town of *Dumfreis* did by virtue of the Powers granted to them borrow at Interest a considerable Sum of Money, and have therewith built a commodious Church for performing of Divine Service, and endowed the same with a Maintenance for a Minister: And whereas there remains unpaid a considerable Part of the Debts owing by the said Town before the passing of the said recited Act, which were thereby directed to be paid, besides other large Debts which have been contracted since: And whereas the other Revenues of the said Town have been of late much exhausted in rebuilding Part of their old Church, the Council House, and Prison, all which were become ruinous, and the whole Revenue of the said Town is not now sufficient to pay the Interest of the said Debts so owing by the said Town, and to defray their other Expences, which will be increased by the unavoidable Necessity of rebuilding their publick School House, repairing their other decayed Works, and improving the Navigation of their River, now become so dangerous that their Trade of late Years has greatly suffered thereby: And forasmuch as the Term granted by the said recited Act doth expire at the End of this present Session of Parliament, so that the respective Works directed to be done thereby for the Service of the said Town, and for the publick Good, must remain unfinished, and what has been already done must soon fall to Decay, unless the Term granted by the said former Act be continued, and some further Aid be given to the said Burgh for cleansing and repairing their Harbour, *&c.*

The Duty is further continued for 25 Years.

CAP. VIII.

An Act to make perpetual an Act made in the Seventh Year of the Reign of His present Majesty, intituled, *An Act to prevent the infamous Practice of Stock-jobbing.*

Preamble, reciting the Act 7 *Geo.* II. *c.* 8.

WHEREAS an Act was passed in the Seventh Year of his present Majesty's Reign, intituled, *An Act to prevent the infamous Practice of Stock-jobbing*; which Act was to continue and be in Force from the First Day of *June*, One thousand seven hundred and thirty four, for the Term of Three Years, and from thence to the End of the then next Session of Parliament and no longer: And whereas the said Act hath been found useful and beneficial, and will in a short time expire, **be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be, and is hereby made perpetual.**

which is made perpetual.

CAP. IX.

An Act for making navigable the River or Brook, called *Worsley* Brook, from *Worsley* Mill in the Township of *Worsley*, in the County Palatine of *Lancaster*, to the River *Irwell* in the said County.

Preamble.

WHEREAS the making and keeping the River or Brook called *Worsley* Brook, in the County Palatine of *Lancaster*, navigable and passable for Boats, Barges, Lighters, and other Vessels, from *Worsley* Mill, in the said County of *Lancaster*, to the River *Irwell*, in the said County of *Lancaster*, will be very beneficial to Trade, advantageous to the Poor, and convenient for the Carriage of Coals, Stone, Timber, and other Goods, Wares, and Merchandizes, to and from the said Places and Parts adjacent, and will very much tend to the Employing and Increase of Watermen and Seamen, and be a Means to preserve the Highways; **may it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That** Jonathan Lees, Samuel Bordman, John Lees **the younger**, Josiah Byrom, Jeremiah Bradshaw, John Kenworthy, **and** Isaac Clegg, **Gentlemen; are hereby nominated and appointed Undertakers of the said Navigation, their Heirs and Assigns, and shall be, and are hereby authorized and impowered, and shall have full Power and Authority, by vir-**

Undertakers appointed, with Power of doing any Thing necessary for the Purposes of this Act, at their own Charge.

tue

tue of this present Act, at their proper Costs and Charges, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make the said River or Brook, called Worsley Brook, navigable, portable, and passable for Boats, Barges, Lighters, and other Vessels, from Worsley Mill aforesaid, to the River Irwell aforesaid, and from time to time to continue, maintain, support, and use such Navigation by themselves, or others, in such Manner, in, by, through, and upon the said River or Brook, as they the said Undertakers, their Heirs, or Assigns, shall think fit; and for those Purposes to clear, scour, open, enlarge, or straighten the said River or Brook, and to dig or cut the Banks of the said River or Brook, and to make any new Cuts, Trenches, or Passages for Water, in, upon, or through the Lands and Grounds adjoining or near unto the said River or Brook, as shall be necessary and proper for the Navigation and Passage of Boats, Barges, Lighters, or other Vessels, and any ways necessary for the more convenient, easy, and better carrying on and effecting the said Undertaking, be it the Soil or Ground of the King's most Excellent Majesty, His Heirs, or Successors, or of any other Person or Persons, Bodies Politick or Corporate, whatsoever; and if Necessity requires, to cut, remove, and take away all Trees, Roots of Trees, Gravel Beds, or any other Impediment whatsoever, which may any ways hinder Navigation, either in sailing, haling, towing, or drawing Boats, Barges, Lighters, and other Vessels, with Men or Horses, or otherwise, upon the said River or Brook, or upon any new Cuts, Trenches, or Passages, so from time to time to be made, and to lay the same on any Lands thereto adjoining, and to build, erect, set up, and make, in, over, or on the said River or Brook, or Lands adjoining, or near to the same, or to the said new Cuts, Trenches, or Passages so to be made, or any of them, such and so many Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, and other Works, as shall be necessary and convenient, where they the said Undertakers, their Heirs, or Assigns, shall think fit; and from time to time, when and so often as shall be proper and convenient, to alter, repair, increase, enlarge, and amend the same; and to make, have, and use necessary Ways, Passages, and other Conveniencies, for the carrying and conveying of any Goods, Wares, Merchandizes, or other Things, in, upon, to, or from the said River or Brook, Passages, Trenches, or Cuts; and for carrying and conveying of all manner of Materials for perfecting, compleating, and finishing the said Works and Navigation, and for altering, repairing, and amending the same, and to lay and work the said Materials on the Ground near to the Place or Places where the said Works, or any of them, is, are, or shall be made, erected, or done, and to amend, heighten, or alter any Bridges, or to turn or alter any Highways, in, upon, or near unto the said River or Brook, Cuts, Trenches, or Passages aforesaid; and to pull down, alter, or demolish any Mill, Wear, or other Obstruction, in, upon, or contiguous to the said River or Brook, Cuts or Passages, which may obstruct or hinder the Navigation or Passage thereon, and to appoint, set out, and make Towing-paths, Banks, and Ways, for towing, haling, or drawing of Boats, Barges, Lighters, and other Vessels passing in, through, and upon the said River or Brook, or the Cuts, Trenches, or Passages to be made as aforesaid, or any of them; and from time to time, and at all Times hereafter, to do all other Matters or Things necessary or convenient for making, maintaining, continuing, and perfecting the navigable Passage of the said River or Brook as aforesaid, or for the Repairing, Improvement, or Prosecution thereof, the said Undertakers, their Heirs, or Assigns, doing as little Damage as may be, and first giving Satisfaction to the respective Owners or Proprietors of such Mills, Wears, Lands, Tenements, Hereditaments, or Premisses, as shall be pulled down, demolished, altered, dug up, cut, removed, or otherwise made use of, or that in any wise shall be prejudiced or damaged by or for carrying on, effecting, preserving, continuing, repairing, or maintaining the said Navigation, and also giving Satisfaction for all Damage that shall be done to the Grounds near to the Place or Places where the said Works, or any of them, is, are, or shall be made, erected, or done, by reason of carrying, laying, or working any Materials thereon, and also making and setting up, and at their own Costs and Charges from time to time maintaining and keeping in good and sufficient Repair, such and so many Flood-gates in the Banks or Works to be made as aforesaid, whereby the Lands adjoining or lying near to the said River or Brook, which are, and have been subject to be overflowed by the same, may be overflowed and flooded as Occasion shall require, for the Improvement thereof, as shall be necessary and proper for that Purpose, according to the true Intent and Meaning of this Act, as is hereafter in and by this Act directed and appointed.

Undertakers to make Satisfaction for Damages.

Flood-gates for overflowing of Grounds to be made.

II. And for the better effecting the Premisses, and due rating the Matters and Things for which Satisfaction shall be given, in case the said Undertakers, their Heirs, or Assigns, cannot before-hand agree with the respective Owner or Owners, Proprietor or Proprietors, of such Mills, Wears, Lands, Tenements, Hereditaments, or Premisses, concerning the same; be it enacted by the Authority aforesaid, That the Most Noble Scroop Duke of Bridgewater, the Right Honourable George Earl of Warrington, the Right Honourable James Earl of Barrymore of the Kingdom of Ireland, Sir Henry Hoghton, Sir Ralph Asheton, Sir Roger Bradshaigh, Sir Thomas Lowther, Sir Oswald Mosley, Baronets; Sir Darcy Lever Knight, John Assheton, John Andrews, Esquires; John Atherton, William Atherton, Gentlemen; Peter Bold, Thomas Brereton, Robert Booth, Egerton Bagott, John Braidshaw, Esquires; Daniel Bayly, Samuel Birch, Thomas Birch, Christopher Byron, Gentlemen; the Honourable Colonel James Cholmondeley, William Curzon, Samuel Chetham, Edward Chetham, James Chetham, Foster Cunliffe, Joseph Clowes, Esquires; Joseph Clegg, Samuel Clowes, Thomas Clowes, John Clowes, George Corbisley, Gentlemen; Robert Dukinfield, William Drake, Esquires; John Dickenson, James Edge, Gentlemen; Nicholas Fazakerley, Robert Fenwick, John Fletcher of Peel, Litchford Flitcroft, Esquires; Henry Fielden, Robert Fielden, Gentlemen; Richard Gildart, Benjamin Gregg, John Greaves, Thomas Horton, Edmund Hopwood, William Hill, John Halliwell, John Houghton, Esquires; John Hardman, William Hunter, John Harrison, Richard Hall, James Hilton, Abraham Haworth, John Haworth, Gentlemen; George Kenyon, James Lightboune, One of the Masters in the High Court of Chancery, Peter Legh senior, of Lyme, Peter Legh junior, of Lyme, Thomas Lister, George Legh, Robert Legh, Miles Lonsdale, Gamaliel Lloyd, George Lloyd, Esquires; Lomax Lewis, William Latus, Gentlemen; Legh

Commissioners appointed for determining Differences,

Legh Maſter, Oſwald Moſley, Thomas Mynſhull, Eſquires; Roger Maſſey, John Maſſey, Streyniſham Maſter, Iſaac Moſs, Gentlemen; Alexander Nowell Eſquire, Miles Nield, Roger Nield, Joſiah Nicholls, Gentlemen; the Reverend Robert Oldfield Clerk, Thomas Pigott, Baniſter Parker, John Parker, Robert Radclyffe, Francis Reynolds, Eſquires; John Rigby, Peter Raſbottom, Gentlemen; Richard Shuttleworth, William Shippen, Thomas Sutton, Eſquires; Thomas Steers Gentleman, Humphry Trafford, Richard Townly of Belfield, Edward Warren, William Wright, Charles Worſley, Peter Worſley, Eſquires; James Walker, and John Willerſon, Gentlemen; and Joſeph Yates Eſquire, ſhall be, and are hereby conſtituted and appointed Commiſſioners for the ſettling, determining, and adjuſting in Manner hereafter mentioned, all Matters about which any Difference ſhall or may ariſe between the ſaid Undertakers, their Heirs, or Aſſigns, or any of them, and the Proprietors, Owners, and Occupiers of any ſuch Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes; and they the ſaid Commiſſioners, or any Seven or more of them aſſembled together, are hereby authorized and impowered, and ſhall have full Power and Authority, to mediate and determine all Differences between the ſaid Undertakers, their Heirs, and Aſſigns, and the reſpective Owners and Occupiers of ſuch Lands, Wears, Mills, Tenements, Hereditaments, or Premiſſes, adjoining to, or near the ſaid River or Brook, or to or near the new Cuts, Trenches, or Paſſages, as ſhall be intended to be pulled down, demoliſhed, cut, damaged, or made uſe of, as aforeſaid, for the carrying on or effecting the ſaid Undertaking, or which ſhall or may in any wiſe be prejudiced or damaged thereby or by reaſon thereof; and by Writing under their Hands and Seals to adjuſt, ſettle, and determine what Satisfaction every ſuch Perſon or Perſons, Bodies Politick or Corporate reſpectively, ſhall have for ſuch Proportion of his, her, or their Lands, Tenements, Mills, Wears, Hereditaments, or Premiſſes, as ſhall be cut, digged, or made uſe of, or prejudiced or damaged as aforeſaid, and for the Damage that ſhall be thereby ſuſtained, and to adjuſt and ſettle what Share and Proportion of ſuch Purchaſe-money or Satisfaction every Tenant and other Perſon having a particular Eſtate, Term, or Intereſt in any of the Premiſſes, ſhall have or receive for his, her, or their reſpective Intereſts. And if it ſhall happen that the ſaid Undertakers, their Heirs, or Aſſigns, for and on the Part and Behalf of themſelves, or that any other Perſon or Perſons, Bodies Politick or Corporate, for and on his, her, and their own Parts and Behalfs, ſhall diſlike or be diſſatisfied with any ſuch Determination of the ſaid Commiſſioners, or any Seven or more of them, or ſhall decline ſuch Determination; or that any Perſon or Perſons, Bodies Politick or Corporate, upon convenient Notice given in Writing to the Head Officer or Officers of any ſuch Body, or any other Perſon or Perſons, upon convenient Notice given to him, her, or them, or to his, her, or their Tenant or Tenants, in Poſſeſſion of the Lands, Wears, Mills, Tenements, Hereditaments, or Premiſſes, ſo intended to be cut, dug, uſed, damaged, or altered, as aforeſaid, ſhall by the Space of Twenty Days next after ſuch Notice as aforeſaid neglect or refuſe to treat, deal, and agree with the ſaid Undertakers, their Heirs, or Aſſigns, or through Diſability by Nonage, Coverture, or Special Tail, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for the promoting ſuch Navigation as aforeſaid, or by reaſon of Abſence ſhall be prevented from treating touching the Matters aforeſaid (except ſuch Abſence ſhall be occaſioned by his or their neceſſary Attendance upon either Houſe of Parliament) that then and in every ſuch Caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall and are hereby authorized and impowered from time to time to iſſue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the ſaid County of Lancaſter, or other Officer to whom the Return of the venire facias Juratores, or other Proceſs for the Trial of Cauſes before the Juſtices of Aſſizes to be held for the ſaid County of Lancaſter for the time being doth belong, or in caſe ſuch Sheriff or other Officer ſhall happen to be intereſted in the Matters in Queſtion, or any Ways related to any of the Parties intereſted or concerned therein, then to the Coroner or Coroners of the ſaid County of Lancaſter, commanding them reſpectively to impanel, ſummon, and return a Jury; and the ſaid Sheriff or other Officer, and the ſaid Coroners reſpectively, are hereby required accordingly to impanel, ſummon, and return a competent Number of Perſons qualified to ſerve on Juries, ſuch Number not to be leſs than Forty eight, nor more than Seventy two, out of which Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by the ſaid Commiſſioners, or any One or more of them, or ſome Perſon to be by them or any Seven or more of them to be appointed, in ſuch Manner as Juries for the Trials of Iſſues joined in His Majeſty's Courts for the ſaid County of Lancaſter, by an Act of Parliament made in the Third Year of the Reign of His preſent Majeſty, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Perſons ſo to be impanelled, ſummoned, and returned, are hereby required to come and appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in and by ſuch Warrant or Warrants ſhall be ſpecified, directed, and appointed. And all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered by Warrant or Warrants under their Hands and Seals from time to time as Occaſion ſhall require, to ſummon and call before them all and every Perſon and Perſons whatſoever (except a Peer or Peereſs of Great Britain) as ſhall be thought proper or neceſſary to be examined as Witneſſes before them touching or concerning the Premiſſes, and alſo to order and authorize the ſaid Jury to view the Place or Places or Matters in Queſtion, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit; which Jury, upon their Oaths to be adminiſtered by the ſaid Commiſſioners or any Seven or more of them (which Oath, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, or to be examined before the ſaid Commiſſioners, or any Seven or more of them, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to adminiſter) ſhall enquire of and aſſeſs ſuch Damages and Recompence as they ſhall think fit, to the Owners, Tenants, or Occupiers of any ſuch Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes, or any Part thereof, as ſhall be uſed, cut, dug, altered, prejudiced, damnified, or demoliſhed, by

Reſtitution for Damages,

and the Share accruing to each Perſon damaged.

If Perſons decline ſuch Determination,

and do not agree with the Undertakers;

a Jury is to be impaneled.

Commiſſioners impowered to ſummon Witneſſes.

Jury to aſſeſs Damages,

by making the said River or Brook navigable, for their respective Interest and Estates therein, by reason of making any Lock or Locks, or cutting, digging, altering, removing, or otherwise using any of his, her, or their Mills, Wears, Lands, Tenements, Hereditaments, or Premisses, for the Purposes aforesaid, or that in any wise shall be prejudiced or damaged for or by reason thereof, or for the Loss or Damage which he, she, or they shall or may respectively sustain thereby; and the said Commissioners, or any Seven or more of them assembled together, shall give Judgement for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively, and shall upon Oath as aforesaid, and by all other lawful Ways and Means, examine, hear, and finally determine all manner of Differences, Controversies, and Disputes, which shall happen or arise between any Persons whatsoever, touching or concerning any Matter or Thing relating to the aforesaid Premisses, or any Part thereof; which said Verdict or Verdicts, and the Judgement, Decree, or Determination thereupon declared and pronounced by the said Commissioners, or any Seven or more of them assembled together, and the Value and Recompence so to be assessed and declared (Notice in Writing being first given of their Meeting at least Twenty Days before declaring the Time and Place of their Meeting to every Person concerned, or being left at the Dwelling-house of such Party concerned, or at his, her, or their usual Place of Abode, or with some Tenant or Occupier of some Lands or Tenements of such Parties near the said River or Brook in case such Party cannot otherwise be found out to be served with such Notice) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, His Heirs, and Successors, and against all and every other Person and Persons, Bodies Politick and Corporate whatsoever, their Heirs, Successors, Executors, Administrators, and Assigns, claiming any Title or Interest in or to the said Lands, Tenements, Hereditaments, or Premisses, or any Part thereof, or any Interest or Title into or out of the same, in Possession, Reversion, Remainder, Expectancy, or otherwise, as well Infants, Feme-Coverts, Tenants for Life or Years, or in Tail, as others, their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, under, or in Trust for him, her, them, or any of them; which said Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings of the said Commissioners and Juries so made, shall be fairly written in Parchment by the Commissioners Clerk, under the Hands and Seals of such of the said Commissioners as shall make the same; and such of the Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Commissioners and Juries, as shall relate to, or concern any Lands, Tenements, Hereditaments, or Premisses, lying and being in the County of Lancaster aforesaid, shall be transmitted to, and be kept amongst the Records of the Quarter Sessions of the Peace for the said County of Lancaster, and they shall be adjudged, deemed, and taken to be Records of the said Quarter Sessions to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be taken, adjudged, and deemed good and effectual Evidence and Proof in any Courts of Law or Equity whatsoever, and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy not exceeding Two hundred Words Six Pence, and so proportionably for any greater or lesser Number of Words; and that upon Payment of any such Sum or Sums of Money so agreed on or assessed to the Party or Parties concerned, or legal Tender thereof made to him, her, or them respectively, at his, her, or their respective Dwelling-house, in case such Party or Parties cannot be met with, or if he, she, or they have no such Dwelling-house in the said County where the respective Lands lie or be, then at the Dwelling-house of some Tenant or Occupier of the said Lands and Tenements of such Party near the said River or Brook, and on Refusal of the same, then upon Payment thereof into the Hands of such Person or Persons (for the Use of the said Party or Parties interested as aforesaid) as the same Commissioners, or any Seven or more of them, shall under their Hands in Writing appoint for the Use of the said Parties interested as aforesaid, to be by him or them paid upon Demand to the Person or Persons so interested without Fee or Reward; it shall then, and not before or otherwise, be lawful to and for the said Undertakers, their Heirs, and Assigns, and to and for their Agents, Workmen, and Servants, to remove, pull down, dig, cut, or use so much of the said Mills, Wears, Lands, Tenements, Hereditaments, or Premisses, for which such Satisfaction shall be so agreed, settled, assessed, and adjudged, or decreed as aforesaid, and therein or thereupon to make, erect, and do any Work, Matters, or Things, for erecting, carrying on, supporting, or maintaining the said Navigation, as shall be necessary and requisite, and to have, use, and enjoy the same to and for their own proper Use and Benefit; and this Act shall be sufficient to indemnify, as well the said Commissioners, as the said Undertakers, their Heirs, and Assigns, and all and every Person and Persons by them or any of them authorized or impowered therein, or acting under the same, against the said Owners, Tenants, or Occupiers, their Heirs, Successors, Executors, Administrators, and Assigns, and all and every other Person and Persons, to all Intents and Purposes whatsoever.

and the Commissioners to give Judgement accordingly;

which shall be final,

to be written in Parchment.

Proceedings to be kept among the Records of Quarter Sessions of *Lancaster*;

and all Persons may inspect them.

After Payment of Damages to be done,

Undertakers may proceed,

being indemnified by this Act.

III. And be it enacted by the Authority aforesaid, That if the said Sheriff or other Officer, or the said Coroner or Coroners respectively, to whom such Warrant or Warrants shall be directed as aforesaid, shall refuse or neglect to impanel, summon, and return a Jury pursuant to such Warrant or Warrants, and to this Act; such Sheriff or other Officer, or such Coroner or Coroners respectively, shall forfeit to the said Undertakers, their Heirs, or Assigns, the Sum of Fifty Pounds for every such Default; and every Person whose Name shall be drawn for a Juror as aforesaid, and who shall not appear after being openly called Three Times, upon Oath made by some credible Person (which Oath the said Commissioners, or any Seven of them, are hereby authorized and impowered to administer) that such Person so making Default had been lawfully summoned, shall forfeit and pay for every Default in not appearing upon Call as aforesaid (unless some reasonable Cause of his Absence be proved by Oath or Affidavit to the Satisfaction of the Commissioners who are to enquire of such Damage, which Oath the same Commissioners are also authorized and hereby impowered to administer) such Sum of Money not exceeding Five Pounds, nor less than Forty Shillings, as the same Commissioners shall under

Sheriff, &c. refusing to impanel a Jury,

forfeits 50 *l.*

and Juror, for Non-appearance, not exceeding 5 *l.* nor less than 40 *s.*

their Hands in Writing appoint, for the Use of the said Undertakers, their Heirs, and Assigns; and such Sums so to be forfeited respectively as aforesaid, shall and may be levied in case of Default of Payment, after Demand made thereof, by Warrant under the Hands and Seals of the said Commissioners, or any Seven or more of them, by Distress and Sale of the Goods and Chattels of the Party forfeiting the same, rendering to such Party the Overplus upon Demand.

IV. Provided always, That they the said Undertakers, their Heirs, or Assigns, shall not take, cut, or meddle with any Lands, Hereditaments, or Profits of any Person or Persons whatsoever, for making the said River or Brook navigable, until such Payment or Tender as aforesaid, except to survey, take, level, mark, and lay out the Ground, or other Matter or Thing they intend to use for the Purposes aforesaid, or some of them, which it shall and may be lawful for them from time to time and at all convenient time and times to do, giving convenient Notice to the Owner or Proprietor, the Tenant, Occupier or Possessor of such Lands, Tenements, Hereditaments, or Premisses, of the Time of their coming to make such Survey, or to take such Level, or to mark or lay out such Ground, that such Owner, Proprietor, Tenant, Occupier, or Possessor may be there present, if such Owner, Proprietor, Tenant, Occupier, or Possessor shall think fit, and making Satisfaction for all Damage which shall be done to any Grass or Corn growing on any such Lands, by making such Survey, taking such Level, or marking or laying out such Ground, if so be such Damage exceed Twelve Pence.

Undertakers to give Notice to the Proprietors before they survey their Grounds, &c.

V. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them acting in the Premisses, shall have Power from time to time to impose any reasonable Fine or Fines on any of the Persons that shall be summoned and returned on such Jury as aforesaid, and that shall refuse to be sworn on such Jury, or being sworn upon such Jury shall not give their Verdict concerning the same, or who shall in any other Manner wilfully neglect their Duties therein contrary to the true Intent and Meaning of this Act, and likewise upon such Person or Persons (not being a Peer or Peeress of Great Britain) summoned as aforesaid to give Evidence, who shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be limited, mentioned, or appointed for that Purpose as aforesaid, or appearing shall refuse to be sworn, give Evidence, or be examined by or before the said Commissioners, or any Seven or more of them, and from time to time to estreat and levy the Goods and Chattels of any Person or Persons offending in any the Matters or Things aforesaid by Warrant under the Hands and Seals of such Seven or more of the acting Commissioners, to be directed to the Constable, Headborough, or other Officer of the Township or Place where such Offender or Offenders live or reside; which Constable or other Officer is hereby required to execute the same, so as no such Fine exceed the Sum of Forty Shillings; and all such Fines are to be paid to the said Undertakers, their Heirs, and Assigns, or to whom they shall appoint, to be employed towards carrying on the said Navigation.

Fines on Jurors upon Default, not exceeding 40 *s.*

VI. Provided always, That no Person or Persons whatsoever shall sit or act as Commissioner or Commissioners, in any Case where he or they are in any wise directly or indirectly interested or concerned of or in the Matter or Matters in Question, nor unless he or they is or are respectively seized at the Time of such sitting or acting of an Estate of Freehold in Lands, Tenements, or Hereditaments in the said County of Lancaster, of the yearly Value of One hundred Pounds.

Persons interested, or not possessed of 100 *l. per Ann.* not to be Commissioners.

VII. Provided also, That no Person or Persons whatsoever shall be sworn to serve on any Jury, where he or they are any wise directly or indirectly interested or concerned in the Premisses in Question.

Interested Persons not to be of the Jury.

VIII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, at any time after the said Undertakers, their Heirs, or Assigns, shall begin to make the said River or Brook navigable, shall happen to sustain any Damage or Injury in his, her, or their Lands, Grounds, Mills, Wears, Bridges, Hereditaments, or Premisses, in, upon, adjoining, or lying near to the said River or Brook, which shall not be taken down, otherwise than is before provided for by this Act, by any Act, Neglect, or Default of the said Undertakers, their Heirs, or Assigns, or of their Agents or Workmen, or by Reason of any Alteration, which shall be made by the said Undertakers, their Heirs, or Assigns, or any of them, on the said River or Brook, Cuts, Trenches, or Passages to be made as aforesaid, or on the Banks thereof; then and in such Case the said Commissioners, or any Seven or more of them, shall enquire of and ascertain such Damages by a Jury to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties grieved, which shall be recorded accordingly, in the same Manner and Form as the Recompence and Damage are hereby before appointed to be assessed and adjudged for any Lands, Tenements, Hereditaments, or Premisses, which shall be any ways made Use of, cut, or damnified, in making the said River or Brook navigable; and in Default of Payment thereof by a certain Day to be appointed by the said Commissioners, or any Seven or more of them, the said Commissioners, or any Seven or more of them, shall and may by Warrant under their Hands and Seals authorize and impower such Person or Persons as they shall think fit, to levy the same by Distress and Sale of the Goods and Chattels of the said Undertakers, their Heirs, or Assigns, or any of them, together with such Costs and Charges as the said Commissioners, or any Seven or more of them, shall in such their Warrant direct, rendering to the said Undertakers, their Heirs, or Assigns respectively, the Overplus, if any such there be; or otherwise such Party or Parties so aggrieved shall and may have Remedy for the same Sum and Sums so to be assessed, which shall not be paid according to the Judgement of such Commissioners as aforesaid, by Action of Debt in any of His Majesty's Courts of Record at Westminster, or any other Court of Record, against the said Undertakers, their Heirs, or Assigns, to recover the same with their Costs and Damages.

Undertakers to repair Injuries, by Judgement of the Commissioners, or be prosecuted in Courts at *Westminster.*

IX. And be it further enacted by the Authority aforesaid, That for and in Consideration of the great Charges and Expences the said Undertakers, their Heirs, or Assigns, shall be at, not only in making the said River or Brook navigable as aforesaid, but also in making, erecting, repairing, cleansing, maintaining, keeping up, and continuing the Wears, Works,

Works, Locks, Dams, Sluices, Bridges, and other Watters, necessary to be made and erected as aforesaid; it shall and may be lawful to and for the said Undertakers, their Heirs, and Assigns, and no others, from time to time and at all times for ever hereafter to ask, demand, receive, recover, and take, to and for their own proper Use and Behoof, in respect of their Charges and Expences aforesaid, for all and every such Coal, Cannel, Stone, Timber, and other Goods, Wares, and Merchandizes, and other Commodities whatsoever, as shall be carried or conveyed in any Boat, Barge, Lighter, or other Vessel, in, upon, to, or from any Part of the said River or Brook, between Worsley Mill and the River Irwell, as aforesaid, such Rate and Duty, Rates and Duties, for Tonnage, over and besides what shall or may be paid for Freight or Carriage of the said Goods, as the said Undertakers, their Heirs, or Assigns shall think fit, not exceeding Nine Pence for every Ton of such Coal, Cannel, Stone, Slate, Timber, or other Goods, Wares, Merchandizes, and Commodities, and so proportionably for every greater or lesser Quantity or Weight; the same Rate and Duty, Rates and Duties, to be paid at such Place or Places near to the said River or Brook, and in such Manner as the said Undertakers, their Heirs, or Assigns shall think fit; and in case of Neglect, Refusal, or Denial of Payment, on Demand of such Rate and Duty, Rates and Duties above mentioned, or any Part thereof, to the said Undertakers, their Heirs, and Assigns; they the said Undertakers, their Heirs, and Assigns, shall and may sue for the same by Action of Debt, or upon the Case, in any Court of Record; in which Action or Actions no Wager of Law shall be allowed, nor above One Imparlance; or shall or may make stay of and detain any Goods, or Vessels wherein such Goods or other Things are carried, for which the said Rates and Prices are to be paid, until due Payment thereof together with reasonable Charges for taking and detaining such Distresses; and if such Distress shall not be redeemed within Four Days after the taking thereof, the Person distraining may with the Constable, Headborough, or other Officer of the Place where such Distress shall be made (who is hereby required to be aiding and assisting therein) cause the said Goods or Vessels so distrained, or some Part thereof, to be appraised by Two sworn Appraisers, to be appointed by such Constable, Headborough, or other Officer; which Appraisers such Constable, Headborough, or other Officer is hereby impowered to swear, to appraise the same truly and indifferently, according to the best of their Judgement; and after such Appraisement shall and may sell the same, or any Part thereof, for Satisfaction of such Rate or Duty, and the Charges of such Distress, Appraisement, and Sale; leaving the Overplus (if any be) in the Hands of such Constable, Headborough, or other Officer, for the Owner's Use.

Duties to be paid to the Undertakers for Goods, not exceeding 9*d. per* Ton.

X. And be it further enacted by the Authority aforesaid, That for supplying the Number of the said Commissioners in case of any of their Deaths, removing, or refusing to act, the surviving or other remaining Commissioners, or any Thirteen or more of them assembled together, shall and are hereby authorized and impowered from time to time by Instrument in Writing under their respective Hands and Seals, to be recorded by the Clerk of the Peace of the said County, to nominate and appoint some other Person or Persons so qualified as aforesaid, in the Place of him or them so dying, removing, or refusing to act; which said new Commissioner or Commissioners so nominated and appointed, shall from the Time of his or their Appointment have the like Powers and Authorities in all Things relating to the Watters aforesaid, as if he or they had been expressly named and appointed in and by this Act; Notice of the Time and Place of Meeting for the Nomination and Appointment of such new Commissioner or Commissioners, to be given to all the acting Commissioners Twenty Days at least before such Meeting, or left in Writing at their respective Places of Abode in the said County of Lancaster.

The Commissioners to supply Vacancies.

XI. And whereas it will be necessary in some Places to hale and tow up and down the said River or Brook Boats, Barges, Lighters, and other Vessels, by the Strength of Men, Horses, Engines, and other Means in that Behalf convenient; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Undertakers, their Heirs, and Assigns, their Agents, Workmen, Servants, Helpers, and Assistants, to set up, and for them and the Boatmen, Bargemen, Watermen, and their Assistants, passing or navigating in or upon the said River or Brook, or in or upon any Cuts, Streams, or Passages, which shall be made use of as aforesaid, Winches and other Engines in convenient Places, and by and with the same, by Strength of Men, Horses, or Beasts going upon the said Banks or Lands near to the said River or Brook, Streams, Cuts, or Passages, in convenient Manner, without the Lett, Hindrance, Trouble, or Interruption of any Person or Persons whatsoever, to draw, tow, or hale up or down the said River or Brook, Barges, Boats, Lighters, and other Vessels.

Undertakers may erect Engines for towing.

XII. Provided always, That the said Undertakers, their Heirs, or Assigns, shall (where wanting) at their own Costs and Charges make, set up, and from time to time maintain convenient Gates and Bridges, Passages and Stiles, in all the Hedges and Fences in the towing Paths and Ways to be set out as aforesaid, and over the new Cuts, Trenches, and Passages for Water, so to be made where necessary, for the Occupiers of Lands, Tenements, and Hereditaments thereunto adjoining, to come at their Lands for the Use and Occupation of the same, in such Manner as the said Commissioners, or any Seven or more of them, shall from time to time order and direct; and shall not remove any Beds of Sand or Gravel, Piles or other Things for preserving of Fords, nor in any sort hurt, obstruct, or destroy any Bridges, Highways, common, publick, or private usual Fords or Passages over the said River or Brook, until such time as they shall at their own Costs and Charges first have made up and perfected such other Conveniencies for passing over the same at or near the same Places, as shall be convenient to pass over the said River or Brook, as the said Commissioners, or any Seven or more of them, shall adjudge proper; Notice being first given to all the acting Commissioners of the Time and Place of their Meeting, to adjudge and determine of such Conveniencies to be made as aforesaid, at least Twenty Days before such Meeting, and all such Conveniencies so to be made shall from time to time be maintained in good and sufficient Repair by the said Undertakers, their Heirs, or Assigns.

Conveniencies of Gates, &c. belonging to Occupiers of Lands, &c. to be preserved, at the Undertakers Charge.

If the Level of the Water be raised,

XIII. And be it further enacted by the Authority aforesaid, That if the said Undertakers, their Heirs, or Assigns, shall, in pursuance of the Powers given by the said Act, raise the Water in the said River or Brook above its ancient or usual Height, whereby the adjacent Lands may be more liable to be overflowed or damaged than they have formerly been, that then they the said Undertakers, their Heirs, or Assigns, shall, at their own proper Costs and Charges, from time to time, cause the Banks of the said River or Brook, and of all such Streams, Trenches, or Brooks as come into the said River or Brook, to be proportionably raised, heightened, and strengthened in all Parts where Need shall require, so as the new Banks shall be able and sufficient to contain the Water at such its raised Height; and also shall from time to time maintain and repair the said Banks as often as Occasion shall require; and if the said Undertakers, their Heirs, or Assigns, in pursuance of the Powers aforesaid, shall make any new Cuts, Trenches, or Passages for Water, by Reason whereof, or by Means of the Navigation to be made and effected as aforesaid, any Person or Persons shall not have convenient Ingress or Egress into or out of his, her, or their respective Lands, Tenements, Hereditaments, or Premisses, or any Part thereof, as he, she, or they before that Time had, or as Occasion shall require; that then and in such Case the said Undertakers, their Heirs, or Assigns, shall at their own proper Costs and Charges make, erect, and from time to time maintain, such sufficient Bridge or Bridges or other Passages over or near unto every such new Cut, Passage, or Trench, as by the said Commissioners, or any Seven or more of them, shall be directed.

the Banks must be so too, and kept in repair.

Flood-gates to be made for the Benefit of contiguous Grounds.

XIV. And be it further enacted by the Authority aforesaid, That if the said Undertakers, their Heirs, or Assigns, shall not make and set up in the Banks and Works to be by them raised and made in pursuance of the Powers given by this Act, a sufficient Number of Flood-gates, whereby the Lands adjoining or lying near to the said River or Brook may be overflowed and flooded by the same in the usual Manner, by Reason whereof the respective Owners and Proprietors of Lands adjoining and lying near to the said River or Brook, his, her, or their Tenant or Tenants respectively, shall be deprived of the Benefit and Advantage of having their respective Lands improved by Overflowing and Flooding the same as usual; that then and in such Case the said Undertakers, their Heirs, or Assigns, shall at their own Costs and Charges make and set up and from time to time maintain and keep in good and sufficient Repair such other Flood-gate or Flood-gates in such Part or Parts of the said Banks or Works to be raised and made as aforesaid, and in such Manner, as by the said Commissioners, or any Seven or more of them, shall be ordered, directed, or appointed, and from and after such Flood-gates shall be made and set up as aforesaid, the said Undertakers, their Heirs, or Assigns, shall, from and after the Twenty ninth Day of September, until the Twenty fifth Day of March, in every Year (but not in any other Part of the Year) at the Request of any of the Owners or Proprietors of Lands adjoining or lying near to the said River or Brook, which have been usually improved by overflowing and flooding the same as aforesaid, his, her, or their Tenant or Tenants respectively (such Request to be made to the Steward or Agent then employed by the said Undertakers, their Heirs, or Assigns, for or on Account of the said intended Navigation) from time to time and as often as there shall be Occasion cause any of the said Flood-gates to be opened, and shall permit and suffer the same to continue open, until the Lands of the Party or Parties respectively requesting as aforesaid such Flood-gate or Flood-gates to be opened, shall be overflowed and flooded in the usual Manner for the Improvement thereof.

Commissioners to meet within 6 Miles of the Thing disputed.

XV. And be it further enacted by the Authority aforesaid, That no Meeting shall be held by the said Commissioners, or any Seven or more of them, by virtue of this Act, at any Place that shall be above Six Miles distant from the Matter or Place in Question.

Bargemasters responsible for the Damages they do;

XVI. And for preventing any rude or disorderly Persons, rowing, navigating, or managing Boats, Barges, or other Vessels in or upon the said River or Brook, or in or upon any Cuts, Sluices, or Passages to be made and cut as aforesaid, from doing any Damage or Mischief, or committing any Disorders, and for making the Masters or Owners of such Boats, Barges, and other Vessels in that Respect more careful, be it enacted by the Authority aforesaid, That every Master or Masters, Owner or Owners of any Boat, Barge, or other Vessel, shall be and is hereby made answerable and responsible for any Damage or Mischief that shall at any Time be done by his or their Boat, Barge, or Vessel, or by any of the Bargemen, Boatmen, Watermen, or Crew of and in such Boat, Barge, or Vessel, to any of the Bridges, Wears, Locks, Dams, Engines, or other Works so to be made and erected as aforesaid, in, upon, or near the said River or Brook, Cuts, Sluices, or Passages to be made as aforesaid, or for any Trespass or Damage which shall be done to the Owners or Proprietors of any Buildings, Erections, Lands, Tenements, or Premisses adjoining near unto the same, or any of them, otherwise than is provided for or authorized by this Act; and the said Master or Masters, Owner or Owners of the said Boat, Barge, or Vessel, shall and may be sued and prosecuted for the same in any Court of Record whatsoever; and if found guilty, or a Verdict pass against him, her, or them, or Judgement be given against him, her, or them, upon a Demurrer, or by Default, the Plaintiff in any such Case shall not only recover the Damages thereby sustained, but also his, her, or their full Costs of Suit.

on Default to, be prosecuted,

besides Costs of Suit.

The Brook declar'd navigable.

XVII. And be it further declared and enacted by the Authority aforesaid, That the said River or Brook is and shall for ever hereafter be esteemed and taken to be navigable from Worsley Mill to the River Irwell aforesaid, and that all the King's Liege People whatsoever with their Goods and Merchandizes may have and lawfully enjoy their free Passage in, along, through, and upon the said River or Brook, or any Part thereof between Worsley Mill aforesaid, and the said River Irwell as aforesaid, with Boats, Barges, Lighters, and other Vessels, and also all necessary and convenient Liberties for navigating the same, without any Lett, Hindrance, or Obstruction, of or from any Person or Persons whatsoever, paying such Rate and Duty, Rates and Duties, as is and are by this Act directed or appointed to be paid to the said Undertakers, their Heirs, or Assigns.

XVIII. Saving

XVIII. Saving always and reserving to the Lords, Owners, or Proprietors of all Royalties or Liberties of Fishing or Fowling upon the said River or Brook, their respective Rights and Privileges of Fishing and Fowling in and upon the same; any thing herein before contained to the contrary notwithstanding. Royalties not affected by this Act.

XIX. Provided always, That none of the Rates or Duties by this Act granted or given, or any other Sum or Sums of Money, or Thing, shall be demanded or taken for any Dung, Marl, or other Manure, which shall be carried upon the said River or Brook, in any Boat or Vessel belonging to or hired by any Owners or Occupiers of any Lands or Grounds within the Distance of Four Miles from the said River or Brook, to be used or employed for the managing or improving of their respective Lands or Grounds so situate as aforesaid and not otherwise. No Duty payable for Manure for Grounds within 4 Miles from the River.

XX. And be it further enacted by the Authority aforesaid, That the said River or Brook between Worsley Mill, and the River Irwell aforesaid, or any of the Works, Watters, or Things which shall be made, erected, or used, for making, keeping, or continuing the said River or Brook, and the said Cuts, Trenches, and Passages navigable, portable, and passable, as aforesaid, shall not be under the Survey or Order of any Commission of Sewers nor subject thereunto, or to any Law or Statute made for Sewers; any Law or Statute to the contrary notwithstanding. The Brook not to be under the Survey of any Commission of Sewers.

XXI. And be it further provided and enacted by the Authority aforesaid, That no Advantage shall at any Time or Times hereafter be had or taken of the Death or Deaths of any of the said Undertakers, his or their Heirs or Assigns, by the Survivors of them; but that the Heirs or Assigns of any of them at any Time and from time to time dying shall at all times hereafter stand and be in the Place of him so dying, as to all the Powers, Authorities, Duties, Advantages, Emoluments, Exemptions, and Indemnities, by this Act granted, and reserved to the said Undertakers, their Heirs, or Assigns; any thing herein contained to the contrary thereof in any wise notwithstanding. Undertakers Heirs to succeed them in the Privileges of this Act.

XXII. Provided always, and be it further declared and enacted, That all and every Lock and Locks, which shall be made on the said River or Brook, Cuts, Trenches, or Passage aforesaid, or on any of them, shall at any Time upon Demand be opened for the free Passage of any Pleasure Boat, Fishing Boat, and for all Boats or Vessels carrying Dung, Marl, or other Manure, as aforesaid, sailing or passing upon the said River or Brook, Cuts, Trenches, or Passages, without paying any Thing for the same. Locks to be open'd to Pleasure Boats, &c. without any Duty.

XXIII. And be it further enacted be the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in executing any of the Powers or Authorities, or any of the Orders or Directions, made, given, or directed, in, by, or under this Act, that in every such Case, the Action, Suit, or Information shall be commenced and brought within Three Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of Lancaster, and not elsewhere; and all and every Person and Persons so sued or prosecuted shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if the same shall appear so to be done, or that such Action, Suit, or Information was commenced or brought after the Time limited in that Behalf, or was brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors, shall become Nonsuit, or forbear Prosecution, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full Costs, and have the like Remedy for the same, as where Costs by Law are awarded. And this Act shall be taken and allowed in all and every Court and Courts whatsoever within this Kingdom as a Publick Act; and all Judges, Justices, and other Persons are hereby required to take Notice thereof as such, without specially pleading the same. Limitation of Actions. General Issue. Costs of Suit. Publick Act.

CAP. X.

An Act to impower the Justices of the Peace for the County of *Bucks*, to raise Money to discharge the Debts incurred on account of building a Gaol and Court-Rooms, and for finishing the same for the Use of the County.

WHEREAS for Want of a convenient common Gaol for the County of *Bucks* (which is large and populous) a House in the Town of *Aylesbury*, being a Market Town and situate near the middle of the said County, was for many Years rented and used for that Purpose, and the same becoming insufficient for the safe keeping of Prisoners, the Grand Jury at the Assizes held for the said County presented the same; whereupon the Justices of the Peace assembled at their General Quarter Sessions agreed and ordered, That a Publick County Gaol should be built at *Aylesbury* aforesaid, and that the said House so rented and used, with the Ground and Soil thereto belonging, should be purchased (being most commodiously and conveniently situated for that Purpose) and that a Gaol and Court-rooms or Shire-hall for the publick Service of the said County should be thereon erected, which said House, Ground, and Soil have been purchased accordingly, and the Freehold and Inheritance thereof has been conveyed to Trustees for the Use of the said County, and in order for raising Money to pay for the said Purchase, and also for defraying the necessary Charges of such Buildings for the Purposes aforesaid, several Assessments were made by the said Justices at their Quarter Sessions, to be raised and paid by the said County, and a very considerable Progress hath been made in such Buildings, but the same not having been perfected and finished, the said Buildings have not only thereby sustained great Damage, but the greatest Part thereof remains unserviceable: And whereas several Sums of Money are justly due to several Workmen, poor Labourers, and others who were employed in and furnished Materials for the said Buildings, for Want of which Money they and their Families are much impoverished; and a further Sum is also wanting, and necessary to finish and compleat the said Buildings for the Use and Accommodation of the said County, all which Monies cannot be raised without the Assistance of Parliament; **be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and** Preamble.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Justices of the Peace for the said County of Bucks, at their next General Quarter Sessions of the Peace to be holden for the said County after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty seven, or at any other subsequent General Quarter Sessions, or for the major Part of such of them as shall be assembled at any such Sessions, to conclude and agree upon, and to assess generally, such Sum and Sums of Money as they upon Examination of the Bills and Accounts of the Workmen, Labourers, and others, who have been employed in and furnished Materials for the said Gaol, Court-Rooms, and Buildings, shall find to be justly due to such Workmen, Labourers, and others, for Work, Materials, and Services actually done, delivered, and performed; and also such Sum and Sums of Money as upon Examination of able and experienced Workmen shall be thought necessary and reasonable for the compleating and finishing the said Gaol, Court-Rooms, and Buildings at Aylesbury aforesaid; and likewise such Sum and Sums of Money as shall be sufficient to defray the Charges which have been or shall be sustained or expended in or about the procuring any Act of Parliament for the Purposes aforesaid; so as such general Assessment or Assessments so to be made shall not exceed the Rate or Proportion of Four Pence in the Pound according to the yearly Value of the several Manors, Messuages, Lands, Tythes, Tenements, Hereditaments, and other Estates within the said County; which said general Assessment or Assessments shall be made, charged, and laid in equal Proportions, as near as may be, according to the best Skill and Judgement of the said Justices making the same, on the several Hundreds, Divisions, Parishes, Towns, Hamlets, Liberties, Precincts, or Places within the said County, by Warrant or Warrants under the Hands and Seals of such Justices at any such Quarter Sessions assembled, or of the major Part of such of them as shall be so assembled; who are also hereby authorized and impowered to direct their Warrants and Precepts to the several Constables, or to any other Officer or Officers as shall be most convenient, for the particular and equal assessing, levying, and collecting the same, according to the Pound Rate upon the Occupiers of the several Manors, and other Estates aforesaid, within the respective Parishes, Places, and Divisions, for which such Constables or other Officers shall serve; who are hereby respectively required forthwith to assess, levy, and collect the same accordingly, and to pay the Monies collected, as by such Warrant or Warrants, Precept or Precepts shall be directed.

Justices of Peace, after 24 *June*, 1737, to make a General Assessment in *Com' Bucks*,

not exceeding 4 *d.* in the Pound,

on Manors, &c.

to be collected by the Constables.

II. And it is hereby further enacted and declared by the Authority aforesaid, That all Monies which shall be charged and laid by such Justices to be raised and assessed for the Uses and Purposes aforesaid by virtue of this Act, shall be levied, collected, paid, received, and accounted for in such Manner, by such Ways, Means, and Methods, and with and under such Regulations, Directions, Power of Distress, and other Powers, Appointments, and Authorities (not otherwise directed by this Act) as the Monies for building and repairing County Gaols are appointed to be levied, collected, paid, received, and accounted for, in and by an Act made in the Eleventh and Twelfth Years of the Reign of King William the Third, intituled, An Act to enable Justices of Peace to build and repair Gaols in their respective Counties; which last mentioned Act is, by an Act passed in the Sixth Year of the Reign of his late Majesty King George the First, made perpetual; and all Powers and Authorities granted by that Act to Justices of the Peace, are hereby granted to, and may be applied, used, and exercised by the Justices of Peace assembled from time to time at the General Quarter Sessions to be holden for the said County of Bucks (or the major Part of such of them as shall be so assembled) for the Purposes intended by this present Act, and in the Execution thereof.

Monies to be levied and accounted for, as by an Act 11 & 12 *W.* III. is prescribed.

Powers, granted to Justices by the said Act, allowed by this.

III. Provided nevertheless, and be it enacted by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace for the said County, to grant his Warrant or Warrants for Distress and Sale of the Goods and Chattels of the Person or Persons refusing or neglecting to pay the Sums to be assessed on him, her, or them, in pursuance of this Act.

Distress by Warrant to be made in case of Refusal.

IV. And be it enacted by the Authority aforesaid, That the Soil and Ground so purchased as aforesaid, and the said Gaol, Court-Rooms, Buildings, and other Conveniencies thereon erected, and which shall be erected, shall for ever hereafter be deemed and taken to be the Ground, common Gaol, and Buildings of the said County; and the Trustees to whom the Inheritance of the same is or hereafter shall be conveyed, shall stand and be seized thereof in Trust only for the said County, and for the publick Use and Benefit thereof.

The Ground and Buildings thereon the Property of the County.

V. And be it further enacted by the Authority aforesaid, That all such Costs and Charges as have been or shall be sustained or expended in or about the procuring any Act of Parliament for the Purposes aforesaid, shall be satisfied and paid out of the Monies to be raised by virtue or in pursuance of this Act; and likewise such Sum and Sums of Money as shall appear to the said Justices assembled in Quarter Sessions, or to the major Part of such of them who shall be so assembled, to be justly due on such Bills and Accounts (strict Examination being first made upon Oath into the several Particulars, and that the Work, Services, and Materials therein mentioned were actually done, performed, furnished, and supplied, which Oath such Justices are hereby authorized and impowered to administer) and that it shall and may be lawful to and for the said Justices, at their said General Quarter Sessions, or at any other subsequent Quarter Sessions, or for the greater Number of such of them who shall be so assembled at any such Sessions, to covenant, contract, and agree with any Person or Persons for the compleating and finishing the said Gaol, Court-Rooms, and Buildings, for the Use of the said County, in such Manner as they in their Discretions shall think most proper; and after the Charges of compleating and finishing the said Gaol, Court-Rooms, and Buildings, and all Debts incurred thereby, and all other Monies to be paid in pursuance of this Act, shall be fully paid and satisfied, the Surplus of the Monies to be raised and levied by virtue of this Act, shall by Order of the said Justices assembled in their General or Quarter Sessions as aforesaid,

Charges to be paid out of the Money arising from the Act.

Justices to contract with Builders, &c.

Surplus to be paid into the Publick Stock.

ſaid, or of the major Part of ſuch of them ſo aſſembled, be paid into the publick Stock of the ſaid County, and be deemed and taken, and ſhall and may be applied and paid as Part of the County Stock, to and for ſuch Uſes as the County Stock can or may be applied.

VI. And to the End the ſaid Gaol may for ever hereafter be kept ſecure for the ſafe Cuſtody of all ſuch Felons, Debtors, and Offenders, as ſhall be thereto committed, and the ſame with the ſaid Court-Rooms and Buildings at all Times kept in good and ſufficient Repair; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid County aſſembled at their General Quarter Seſſions, or for the major Part of ſuch of them who ſhall be ſo aſſembled, from time to time to raiſe or cauſe to be raiſed and levied ſuch Sum and Sums of Money as ſhall be neceſſary for repairing and ſtrengthening the ſame; which Money ſhall be aſſeſſed, raiſed, levied, collected, paid, and accounted for in ſuch Manner, and by ſuch Means, Ways, and Methods, as the Monies to be raiſed and levied in purſuance of this Act. Juſtices may levy Money for Repair.

VII. Provided always, and it is hereby further enacted and declared by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge, raiſe, aſſeſs, or levy any Sum or Sums of Money whatſoever, on the Town of Buckingham in the ſaid County, or any of the Inhabitants thereof, for or in reſpect of any of their Lands, Tenements, Hereditaments, or other Eſtate lying within the ſaid Town, towards any Aſſeſſment to be made at any Time hereafter in purſuance of this preſent Act, for or towards the Debts incurred on Account of the ſaid Gaol, Court-Rooms, and Buildings, or any of the Charges of compleating, finiſhing, ſtrengthening, or repairing the ſame, or any of them; but that the Lands, Tenements, Hereditaments, and other Eſtate lying within the ſaid Town of Buckingham, ſhall be for ever hereafter exempted and diſcharged of and from every Aſſeſſment whatſoever, which ſhall be made in purſuance of this Act for the Purpoſes aforeſaid; the ſaid Town of Buckingham having and maintaining a common Gaol in the ſaid Town, which hath always been ſupported and repaired at the Expence of the ſaid Town, and hath been no ways charged or chargeable upon the ſaid County. Town of *Buckingham* exempted from the Rates.

VIII. Provided alſo, and be it enacted by the Authority aforeſaid, That all Perſons who ſhall apprehend themſelves overcharged, or otherwiſe aggrieved, by any Aſſeſſment or other Act to be made or done by virtue of this preſent Act, ſuch Perſons may appeal to the Juſtices of the Peace aſſembled at the next General Quarter Seſſions held for the ſaid County, after Demand of the Monies aſſeſſed, or after ſuch other Act done; who may make ſuch Order therein as to them or the major Part of them then and there preſent ſhall ſeem meet. Perſons aggrieved are to appeal to the Juſtices.

IX. And be it enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a publick Act; and all Judges, Juſtices, and other Perſons ſhall take Notice thereof as ſuch; and if any Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Act, Matter, or Thing done in purſuance of this Act, then and in ſuch Caſe ſuch Action or Suit ſhall be brought and commenced within Three Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of Bucks, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue ſuch Action or Suit, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover treble Coſts, and have ſuch Remedy for ſuch Coſts as any other Defendant or Defendants hath or have for Coſts in other Caſes by Law. Publick Act. Limitation of Actions. General Iſſue. Treble Coſts.

CAP. XI.

An Act for making more effectual Two Acts of Parliament, one of the Sixth Year of the Reign of her late Majeſty Queen *Anne*, and the other of the Eleventh Year of the Reign of his late Majeſty King *George*, *For repairing the Highways from* Old Stratford *in the County of* Northampton *to* Dunchurch *in the County of* Warwick.

WHEREAS by an Act of Parliament paſſed in the Sixth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for repairing the Highways from* Old Stratford *in the County of* Northampton *to* Dunchurch *in the County of* Warwick, ſeveral Tolls and Duties were granted and made payable, and divers Powers and Authorities given, for repairing the ſaid Highways, containing in Length Twenty nine meaſured Miles, and for putting the ſaid Act in Execution for the Term of Twenty one Years, from the Firſt Day of *May*, One thouſand ſeven hundred and eight; which ſaid Term and Powers were, by another Act paſſed in the Eleventh Year of the Reign of his late Majeſty King *George* the Firſt, further enlarged for the Term of Twenty one Years, to commence and take Place from the Expiration of the ſaid firſt mentioned Act: And whereas the Truſtees appointed to put the ſaid Acts in Execution, have duly laid out and expended the Tolls and Duties thereby ariſing, in repairing the ſaid Highways directed to be amended; and have, on the Credit of the ſaid Acts (as they were thereby impowered to do) borrowed the Sum of Two thouſand two hundred Pounds, which has alſo been applied towards repairing the ſaid Highways, and the ſaid Sum is ſtill due and unpaid; and have likewiſe within the Space of One Year laſt paſt laid out and expended the Sum of Four hundred Pounds and upwards in ſuch Repairs, over and above the Produce of the ſaid Tolls; but great Part of the ſaid Road is ſtill very bad, and cannot be effectually amended and made good according to the Intent of the ſaid Acts (proper Materials for repairing the ſaid Highways lying at a great Diſtance from the greateſt Part thereof) and the Money borrowed repaid, unleſs the ſaid Term granted by the ſaid laſt mentioned Act be enlarged, and both the ſaid Acts made more effectual, *&c.* Preamble, reciting the Act 6 *Annæ*, not printed.

The Tolls are farther continued for 21 *Years.*

CAP. XII.

An Act for repairing the Road from *Hertford Bridge* Hill, to the Town of *Baſingſtoke*, and alſo the Road from *Hertford Bridge* Hill aforeſaid, to the Town of *Odiham* in the County of *Southampton*.

Whereas

Preamble. WHEREAS the Road leading from the Top of the Hill on the East Side of *Hertford Bridge* in the Parish of *Elvetham* in the County of *Southampton*, to *Basingstoke* in the said County, in the Road leading to the City of *Salisbury*; and also the Road from *Hertford Bridge* Hill aforesaid to the Town of *Odiham* in the Road leading to the City of *Winchester* in the said County, by reason of many heavy Carriages passing through the same, are become so ruinous and bad, that many Parts thereof, in the Winter Season, are impassable for Coaches and other Carriages, and also dangerous to Travellers; and the said Roads cannot, by the ordinary Course appointed by the Laws and Statutes of this Realm, for repairing the Highways of this Kingdom, be effectually amended, unless some other Provision be made by Parliament, for raising Money to be laid out and applied for that Purpose, *&c.*

Certain Tolls are granted for 21 *Years, from* 1 June, 1737.

CAP. XIII.

An Act for indemnifying Persons who have omitted to qualify themselves for Offices, or to take the Oaths required within the Time limited by Law, and for allowing further Time for those Purposes.

Preamble, reciting the Acts 1 *Geo.* I. WHEREAS divers Persons who on Account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or the Assurance respectively appointed to be taken by such Persons in and by an Act made in the First Year of the Reign of his late Majesty King *George* the First, of Glorious Memory, intituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown to the Heirs of the late Princess* Sophia, *being Protestants, and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors*, or any Oath by Law required to have been taken, or to have qualified themselves according to an 25 *Car.* II. Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers that may happen from Popish Recusants*, by receiving the Sacrament of the Lord's Supper according to the Usage of the Church of *England*, and making and subscribing the Declaration against Transubstantiation therein mentioned, have, through Ignorance of the Law, Absence, or some other Accident, omitted to take and subscribe the Oaths and Assurance as required by Law, or otherwise to qualify themselves, within such Time and in such Manner as in and by the said Acts respectively or otherwise by Law is required, whereby they may be in Danger of incurring divers Penalties and Disabilities, *&c.*

CAP. XIV.

An Act for collecting at the Port of *Leghorn* certain small Sums of Money, to which the Merchants trading there have usually contributed, for the Relief of shipwrecked Mariners, Captives, and other distressed Persons, His Majesty's Subjects, and for other charitable and publick Uses.

Preamble. WHEREAS it was usual for the Consul appointed for His Majesty's Subjects trading to *Leghorn*, with the Majority of the *British* Merchants and Factors residing there, to receive certain small Sums not exceeding One Livre *per* Ton on all Tonnage Goods, and One third of a Livre *per* Bale or Parcel on all Bale Goods, imported in *British* Ships or Vessels; which Sums were received by Persons annually chose as Treasurers for that Purpose, and applied for the Relief of Mariners shipwrecked and taken in War, and other distressed Persons, His Majesty's Subjects, and to such other charitable and publick Uses as were directed by the said Consul, with the Majority of the said Merchants and Factors: And whereas notwithstanding the Benefit and Usefulness of this Design had been experienced, yet the Payment of the said customary Sums hath of late Years not been complied with, there being no Authority to inforce such Compliance; by reason whereof several of His Majesty's Subjects in Distress have been reduced to great Extremities for want of the Assistance which they otherwise would have received, had such Contribution been continued: **Therefore to promote such good Intentions, and to continue the said Contributions for the same; may it please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty ninth Day of** September, **which shall be in the Year of our Lord One thousand seven hundred and thirty seven, it shall be lawful to and for such Person or Persons as shall be appointed by the Consul named for His Majesty's Subjects trading to the said Port of** Leghorn, **for the time being, together with the Majority of the** British **Merchants and Factors there, to receive and recover from all Masters or other Chief Officers and Commanders of all** British **or** Irish **Ships or Vessels trading from** Great Britain **or** Ireland, **or any other Part of His Majesty's Dominions, to the said Port, any Sum or Sums of Money not exceeding One Livre** per **Ton on all Tonnage Goods imported into the said Port in such Ships and Vessels, and on all Bale Goods any Sum or Sums of Money not exceeding One third of a Livre** per **Bale or Parcel; and all Bills of Lading of such Ships and Vessels shall specify to pay the said Monies accordingly, under the Denomination of** Contribution as by Act of Parliament, **or to that Effect; and the Persons paying the same, shall be reimbursed by their respective Freighters, or by the Persons to whom the said Goods and Merchandizes shall be consigned, or who shall receive the same; and in case the Master or Commander of such Ship or Vessel shall neglect to specify the Payment of the said Monies in the Bill or Bills of Lading as aforesaid, he shall be answerable for the same; and in case no Bill of Lading shall appear, or no Tonnage be settled between the Owner or Owners of the Goods and the Master or Commander of any** British **or** Irish **Ship or Vessel trading as aforesaid; then the Tonnage of such Goods or Merchandize shall be valued by Two indifferent** British **Merchants on the Place, One to be appointed by the Consul, and the other by the Master or Commander of such Ships or Vessels within Ten Days next after the unlading of the said Goods; and in case the Two Persons so chosen shall not agree and award the same in Three Days next after such Appointment, such Two Persons shall then choose a third Person, being a** British **Merchant on the Place, as an Umpire, who shall decide and determine the said Valuation of Tonnage in Three Days; and such Sums shall be paid in such Case for the Purposes aforesaid, as shall be agreeable to this Act.**

British or *Irish* Ships trading to *Leghorn* to pay for Goods imported there One third of a Livre *per* Ton or Bale; to be specified in Bills of Lading, and allowed by Freighters or Receivers of the said Goods.

Goods to be valued, where there is no Bill of Lading.

II. And

II. And be it enacted by the Authority aforesaid, That all Masters, Commanders, or other chief Officers of all British or Irish Ships or Vessels trading from Great Britain or Ireland, or any other Part of His Majesty's Dominions, to the Port of Leghorn, and unloading and delivering the Ship or Vessel, or any Part of the Cargo there, shall, within Ten Days after the Arrival of such Ship or Vessel deliver to the Consul residing there, or to such other Person or Persons as shall be appointed for that Purpose by him, a true Manifest in Writing upon Oath, specifying the Particulars of the whole Cargo of such Ships or Vessels so unloaded or delivered, or such Part thereof as shall be unloaded or delivered there, and to whom consigned; which Oath such Consul, or other Person or Persons to be appointed by him, is and are hereby respectively impowered and required to administer gratis. A Manifest of every Vessel's Cargo to be given upon Oath.

III. And for the better collecting the said Money herein before directed to be paid for the charitable and other publick Uses aforesaid, be it enacted, That the said Consul, or other Person or Persons appointed by him in the said Port of Leghorn, shall and they are hereby respectively authorized and required to detain the Clearances outward of all British or Irish Ships and Vessels, and not give or deliver any Dispatch or Bill of Health for any such Ship or Vessel, until Payment be made as aforesaid; and in case the Master or Commander of such Ship or Vessel, in order to avoid the Payment of the said Monies, shall at any time think proper to depart without his said Clearances outward, then and in such Case the Consul shall, upon the Return of the said Master or Commander to any Port of His Majesty's Dominions, have a just Action at Law against him for all the Money which by virtue of this Act ought to have been paid. Vessels not to be discharged till Payment of the Duties be made.

IV. And be it further enacted, That all Monies to be raised or received, as aforesaid, shall be applied in the Manner hereafter mentioned; that is to say, to the Succour and Relief of Mariners shipwrecked, and taken in War, and other distressed Persons, His Majesty's Subjects, and to such other charitable and publick Uses, as shall from time to time be appointed by the Consul for the time being, with the Majority of the British Merchants and Factors residing at the said Port of Leghorn. Application of the Monies.

V. And be it enacted by the Authority aforesaid, That the Consul for the time being, appointed for His Majesty's Subjects trading to the Port of Leghorn, shall from time to time, as he shall see Occasion for effecting the Purposes of this Act, call and summon a general Meeting of the British Merchants and Factors residing at the said Port; and he is hereby obliged and required from time to time to call and summon general Meetings or Assemblies, as often as he shall be desired by Writing under the Hands of any Five or more of the British Merchants or Factors aforesaid; and the Majority at such Meetings or Assemblies shall from time to time order and determine all Matters and Things relating to the Premisses. The Consul to summon Meetings of the Merchants and Factors.

VI. And be it enacted by the Authority aforesaid, That this Act shall be esteemed and taken in all Courts of Justice and elsewhere to be a publick Act, and shall be taken Notice of as such without specially pleading the same; and if any Action shall be brought or Suit commenced against any Person or Persons for any Thing done in pursuance of this Act, or in Relation to the Premisses, the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Act; and if the same shall appear to have been so done, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs as in other Cases of the Law. Publick Act. General Issue. Full Costs.

CAP. XV.

An Act to enable the present and future Proprietors and Inhabitants of the Houses in *Red Lion Square*, in the County of *Middlesex*, to make a Rate on themselves, for raising Money sufficient to inclose, pave, watch, clean, and adorn the said Square.

WHEREAS the Square called *Red Lion Square*, in the Parish of Saint *George the Martyr*, in the County of *Middlesex*, hath for some Time past lain in great Disorder, and the Pales which inclose the Area thereof are so ruinous, that the said Area is become a Receptacle for Rubbish, Dirt, and Nastiness of all Kinds, and an Encouragement to common Beggars, Vagabonds, and other disorderly Persons, to resort thither for the Exercise of their idle Diversions and other unwarrantable Purposes: To prevent all which Mischiefs, and to the End the said Square may be kept clean and in good Order, the Owners, Proprietors, and Inhabitants thereof, are desirous, that the said Square may be inclosed, or otherwise made commodious, paved, watched, and properly adorned, and kept in good Repair for the future, and are willing that an adequate Contribution may for that Purpose be raised by and amongst themselves: Wherefore the said Proprietors and Inhabitants most humbly beseech Your most Excellent Majesty that it may be enacted, and it is hereby enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Proprietors and Inhabitants of the several Houses within the said Square, to meet together upon the Fifteenth Day of June, One thousand seven hundred and thirty seven, at or in the common Dining-hall of Grey's Inn in the County of Middlesex, between the Hours of Nine and Ten in the Forenoon of the same Day, and then and there, by the Majority of the said Proprietors and Inhabitants present, to elect and choose Fifteen of the said Proprietors and Inhabitants to be Trustees; who, or any Eight or more of them, shall have by virtue of this Act, sufficient Power and Authority from time to time in Writing under their Hands to direct how and in what Manner the said Square shall be inclosed, or otherwise made commodious, paved, watched, cleaned, and adorned, and from time to time kept in Repair and preserved from Annoyances; and to make Provision for the carrying away the Dust from the respective Houses in the said Square, and to do all other lawful Acts and Things for the Purposes aforesaid, so as the doing and finishing thereof, Preamble. Proprietors to meet on 15 *July*, in *Grey's Inn*, to choose Trustees, who are to direct the adorning of the Square,

of, and the continuing the same in Repair when finished, do not exceed such Rate or Rates as are for that Purpose herein after limited or appointed.

and may remove any Soil, or cut down Trees, &c.

II. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Eight or more of them, to dig, cart, or carry away, or cause to be dug, carted, or carried away, such Soil or Earth, and to cut down and root up such Trees, and to take, remove, and carry away such Trees, Pales, Rails, or Fences, in the Area of the said Square, and to dispose of the same by Sale, or otherwise (such Trees, and the Materials of such Fences, or the Produce of the same, or any Part thereof in Money, being employed for the Purposes in this Act mentioned) and to bring in such Gravel, Stones, and other Materials; and to employ such Artificers, Workmen, Labourers, and Carters, and such Collectors, Supervisors, Receivers, and others, and to issue such Money on those Accounts, as the said Trustees, or any Eight or more of them, shall judge necessary or conducive to the accomplishing the End and Design aforesaid. And that it shall and may be lawful to and for the said Trustees, or any Eight or more of them, not only to remove, but

and prevent Annoyances.

also to prevent all and all Manner of Annoyances by Filth, Dung, Ashes, Rubbish, or otherwise, laid or cast, or to be laid or cast, in or upon the said Square, or at or against the Houses or Buildings in the said Square, or on any other Ground or Soil, which the Owners or Inhabitants of the said Square, or the said Houses therein, are obliged or ought to pave, cleanse, or repair; and also to put down, remove, and abate all and every the Incroachment and Incroachments that now are, or hereafter shall be made on the same, and for that Purpose to issue one or more Precept or Precepts to the Sheriffs of the said County of Middlesex, who are hereby required and impowered to execute the same; and if any Person or Persons shall, from and after the said Fifteenth Day of June, One thousand seven

20 s. Penalty on Persons annoying the Square,

hundred and thirty seven, in any wise annoy the said Square, Houses, Buildings, Ground, or Soil, or any Part thereof, by any Filth, Dung, Ashes, or Rubbish, then and in every such Case it shall and may be lawful to and for the said Trustees, their Servants or Agents, and every of them, and also to and for the said Proprietors, Owners, and Inhabitants of the said Houses, Buildings, Ground, and Soil, or of any Part thereof, and every of them, to take and carry, or cause to be taken and carried, every such Offender, before One or more Justice or Justices of the Peace for the said County of Middlesex; and every such Offender being convicted of any such Offence upon Oath before such Justice or Justices of the Peace (who is and are hereby impowered to administer such Oath) shall for every such Offence forfeit and pay to the said Trustees any Sum not exceeding Twenty Shillings over and above all Costs, Charges, Damages, and Expences, in the Prosecution of such Offender, to be ascertained by such Justice or Justices before whom such Offender shall be

to be levied by Distress.

convicted; the same to be levied by Distress and Sale of the said Offender's Goods by Warrant under the Hand and Seal, or Hands and Seals of the said Justice or Justices, the Overplus (if any) to be rendered to the Owner upon Demand. And moreover it shall

Offender to be sent to the House of Correction till he removes such Nuisance.

and may be lawful to and for such Justice or Justices, and he and they are hereby required, to commit or send away all or every such Offender or Offenders to any House of Correction, or other Gaol or Place of Confinement within the said County, there to remain until he, she, or they shall cause or procure to be taken away such Filth, Dung, Ashes, or Rubbish, so put, laid, or placed contrary to the Meaning hereof. And if any loose, idle, or disorderly Person or Persons shall, from and after the said Fifteenth Day of June, One thousand seven hundred and thirty seven, use or exercise any Sport, Game, or Diversion with-

Persons gaming in, or breaking the Fences of the Square, shall forfeit 40 s.

in the said Square to the Annoyance or Disturbance of the Inhabitants thereof, or shall remove, or cause to be removed, break through, or get over all or any Part of any Fence or Inclosure, whereby the said Square or any Part thereof shall be inclosed by virtue of this Act, every such Offender or Offenders, being thereof convicted in Manner aforesaid, shall forfeit and pay to the said Trustees any Sum of Money not exceeding Forty Shillings, to be ascertained and ordered by the Justice or Justices before whom he or they shall be convicted; and in Default of such Payment shall be sent to the House of Correction by Warrant

or be sent to the House of Correction for one Month.

or Warrants of such Justice or Justices, there to be kept to hard Labour for any Time not exceeding the Space of One Month.

III. And that the said Trustees may be enabled to inclose, or otherwise make commodious, pave and watch, adorn and beautify, clean and repair the said Square, or any Part thereof, and to continue the same in Repair, and to defray the necessary Charges thereof, and of them the said Trustees in the Execution of the Powers and Trusts hereby in them reposed, as also the Expences of passing this Act; it is further enacted by the Authority afore-

Trustees impowered to assess 1 s. and 6 d. in the Pound on the Inhabitants, according to the Land Tax Assessment for 1736.

said, That from and after the Fifteenth Day of June, One thousand seven hundred and thirty seven, there shall at all Times hereafter be raised, levied, collected, and paid to the said Trustees, and the Survivors of them, and to such other Trustees as shall or may be elected or chosen in any or either of their Stead by virtue of the Authority hereby given for that Purpose, or by or to such Person or Persons as shall be by them the said Trustees, or any Eight of them, thereunto appointed, proportionable yearly Rates and Duties, to be assessed on the said Proprietors and Inhabitants of the said Houses or Buildings in the said Square, according to their respective Estates and Interests therein, at the Discretion of the said Trustees, or any Eight of them, provided the Number of Trustees present at the making such Rates or Assessments be Eleven at the least, and so as the said Rates or Assessments do not in any One Year exceed One Shilling and six Pence in the Pound, such Rates to be made according to the Assessment for the Land Tax, for the Year One thousand seven hundred and thirty six; which said Rates or Assessments for the Purposes in this Act specified are to be subject and chargeable with such Sum or Sums of Money, as shall be advanced, borrowed, raised, or received, as herein after mentioned or appointed, which Rates or Assessments shall be paid by the respective Proprietors and Inhabitants of the said Houses or Buildings for the time being, to the said Trustees, or any Eight of them, or to such Person or Persons as shall be by them thereunto appointed, in the following Manner and Pro-

The Manner of Payment,

portions; that is to say, The Tenants or Occupiers of such Houses shall bear and pay Seven tenth Parts thereof, and the Landlords or Owners of such Houses for the time being, Three tenth Parts thereof, which said Payments shall be made by even and equal quarterly

terly Payments, the First Payment thereof to be made on the Twenty ninth Day of September, One thousand seven hundred and thirty seven, which Payments or Sums of Money when collected and received shall be applied and applicable to the inclosing or otherwise making commodious, adorning, and beautifying, and to the watching, paving, cleansing, and repairing the said Square, or any Part thereof, and continuing the same in good Repair, and to the defraying the necessary Charges and Expences of passing this Act, and of the said Trustees in the Execution of it, according to the true Intent and Meaning thereof. and Application of the Monies.

IV. And it is hereby enacted, That in case it shall so happen, that the said Houses or any of them at any Time, from and after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, shall stand and be empty, untenanted, or unoccupied, or shall be occupied by any Embassador or Minister from any foreign Prince or State, or other Person or Persons not liable to pay the Rates or Assessments hereby authorized to be made or any Part of them, then and in such Case the Rates and Assessments made upon such Houses respectively shall be paid by the respective Landlords or Owners thereof; and in case of Nonpayment such Houses and the Ground whereon they stand shall be, and the same are hereby made, a Security for and chargeable with the Payment of such Rates and the Arrears thereof respectively. After 24 *June*, 1737, Owners to pay for untenanted Houses, &c.

V. And to the End the said Rates may be more effectually collected and received, it is hereby further enacted, That all and every the Tenants and Occupiers of the said Houses be and shall be liable to pay the whole Rate charged upon their Houses respectively, and in case of such Payment such Tenant or Tenants shall be at liberty to deduct and detain out of his, her, or their Rent, such Proportion of such Rates as they shall respectively pay on Account of the several Landlords or Proprietors of the said Houses, and shall be discharged and saved harmless therefrom, as fully as if the same had been paid to any Person or Persons to whom any such Rent or Rents should or ought to have been paid. And in case any Difference shall arise concerning all or any of the Rates or Assessments to be made in pursuance of this Act, then the said Trustees, or any Eight or more of them, shall have full Power and Authority at any Time within Two Kalendar Months after Complaint to them made thereof to hear and determine the Matter of such Complaint, so as such Complaint be made in Writing within One Kalendar Month next after such Assessment made, or Cause of Complaint accrued. Tenants to pay for Landlords, and deduct it out of the Rent. Trustees to determine Differences.

VI. And it is hereby further enacted, That the said Trustees, or any Eight or more of them, shall meet together, at or in such Place as the said Trustees or the major Part of them shall appoint, on the First Tuesday which shall happen in the several Months of August, November, February, and May yearly, at Ten of the Clock in the Forenoon of the same Days, then and there to consider of the Execution of their Trust, and may adjourn themselves to such other Time and Place as they shall think fit; and also may meet at any other Time or Place as often as there shall be Occasion for putting this Act in Execution, Two Days Notice of such Meeting being left at the House of each of the said Trustees in Red Lion Square. Trustees Meetings appointed.

VII. And be it further enacted, That the said Trustees, or any Eight or more of them, shall and may, at their First, or any other Meeting, under their Hands choose and appoint a fit Person to be Collector or Receiver of such Rates and Sums of Money, as shall become due and payable by virtue of this Act, such Collector or Receiver giving reasonable Security to the said Trustees for the due and faithful Execution of his Office: And the said Collector or Receiver so to be appointed as aforesaid shall from time to time pay over all and every the Sum or Sums of Money by him collected or received, to such Person or Persons and for such Purposes as the said Trustees or any Eight or more of them shall order and appoint; and shall fairly enter, into One or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money which he shall collect, receive, or pay, by virtue of this Act, with the respective Times of his receiving and paying the same; and shall upon Oath (if thereunto required by the said Trustees or any Eight or more of them) before One or more Justice or Justices of the Peace for the said County of Middlesex (which Oath he or they is and are hereby impowered to administer) give a true, exact, and perfect Account in Writing under his Hand, of all Sums of Money which he shall have received, paid, or disbursed by Reason of his said Office, which Oath shall be taken without any Fee or Reward and without any Stamp thereon; and if such Collector or Receiver shall neglect or refuse to account for any Sum or Sums of Money by him collected or received, or to pay the same as the said Trustees, or any Eight or more of them, shall under their Hands order and appoint; it shall and may be lawful to and for any Two or more Justices of the Peace of and for the said County of Middlesex, upon Complaint thereof to them made by the said Trustees or any Eight or more of them, to hear and finally determine the Matter of the said Complaint; and if such Collector or Receiver shall continue to refuse or neglect to account or pay as aforesaid, the said Justices shall commit him to the common Gaol of the said County, there to remain without Bail or Mainprize, until he shall have made a true and perfect Account and Payment as aforesaid. Collector, &c. to be chosen by them, who shall account on Oath, if required, or be committed to Gaol.

VIII. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the respective Sum or Sums of Money upon him, her, or them rated or assessed by virtue of this Act within Ten Days after Demand thereof, it shall and may be lawful to and for the said Trustees, or any Eight or more of them, under their Hands to direct and appoint such Collector or Receiver, with the Assistance of a Constable or Headborough, who is hereby required to be aiding and assisting, to enter into the Dwelling-house of such Person so rated and making Default in Payment as aforesaid, at any time in the Day, and there to seize and distrain any Part of the Goods and Chattels in such House, and to take and carry away the same, leaving Notice in Writing at such Dwelling-house of the Cause of such Distress; and if the Owner of such Goods and Chattels so distrained shall not within Five Days next after such Distress and Notice as aforesaid replevy the same according to the Laws in Being for Distresses in Cases of Non-payment of Rent, then after the Expiration of the said Five Days such Collector or Receiver shall and may, with the Sheriff or Under-sheriff of the said County of Middlesex, or any Constable or Headborough Persons refusing to pay what they are rated at, their Goods may be distrained on, and if not replevied in 5 Days, be appraised and sold,

rough of the Parish wherein the same shall happen, cause the Goods and Chattels so distrained to be appraised by Two sworn Appraisers (whom such Sheriff or Under-sheriff, Constable, or Headborough are hereby impowered to swear) according to the best of their Understanding; and after such Appraisement it shall and may be lawful to and for such Collector and Receiver to sell the Goods and Chattels so distrained for the best Price that can be got for the same, and out of the Monies arising from such Sale to keep and retain so much as will satisfy the Money payable according to such Rate or Assessment, and the Charges of such Distress, Appraisement, and Sale, leaving the Overplus (if any shall be) in the Hands of the Sheriff, Under-sheriff, Constable, or Headborough for the Owners Use; And if there shall be any Rescous made, or tortious Taking, or forcible Detention of the Goods and Chattles so distrained as aforesaid, the said Trustees, or any Eight or more of them, or the said Collector, shall and may in a special Action on the Case recover Treble Damages and Costs of Suit against the Offender or Offenders in any such Rescous or tortious taking away or forcible Detainer.

leaving the Overplus in Sheriff's Hands for Owner's Use, &c.

After 24 *June*, 1737, the Square, &c. to be deemed a distinct Ward, and not liable to Scavenger's Rate, &c.

IX. And it is further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, the said Square and the Houses together with their Out-houses, Ground, and Appurtenances, shall be, and deemed to be, a distinct and separate Ward, as to any Rates to be made for the paving, cleaning, and watching thereof; and that the paving, cleaning, and watching thereof, so far as the Inhabitants of such Houses are now liable to be charged to such Rates, shall be only under the Direction of the said Trustees; and that the same Ward and the Inhabitants thereof shall be exempted and discharged from paying towards any other Rates or Assessments (for or in respect of such Houses and Premisses) to or for the Scavenger, or Watch, or paving the Streets of any other Ward, District, or Place whatsoever.

and from that Time St. *Andrew*'s Parish *Holborn*, discharged from cleaningit, &c.

X. Provided always, That the said Parish of Saint George the Martyr, and the Parish of Saint Andrew, Holborn, from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, shall be discharged and exonerated from watching, cleaning, and paving the said Square, and Premisses, or any Part thereof.

XI. And forasmuch as the Monies to be collected yearly by virtue of this Act, will not raise such a Stock or Sum of Money, as will be sufficient for the speedy carrying on and accomplishing the Purposes aforesaid; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Proprietors and Inhabitants, or any of them, or any other Person or Persons, to advance and pay to the said Trustees any Sum or Sums of Money not exceeding in the whole the Sum of One thousand Pounds, for the absolute Purchase of any certain Annuity or Annuities, to be paid and payable during the full Term of Thirty two Years, or for the Life of any one Person, as the said Trustees or the major Part of them shall think fit, to be reckoned respectively from the respective Times such Money shall be advanced and paid, so as the Rate or Rates to be agreed on for such Annuity or Annuities for Thirty two Years do not exceed Six Pounds per Centum per Annum; and for the Life of any one Person, do not exceed Eight Pounds per Centum per Annum; and the Purchase-money for every such Annuity, is hereby appointed to be paid to the said Trustees at such Times as shall be for that purpose agreed on between the Parties; all which Annuities shall be paid and payable to the Purchasers of the same, their Executors, Administrators, and Assigns, by even and equal half yearly Portions; the first Payment thereof to be due at the End of Six Months from the Time of the paying such Purchase-money for the same; and the said Sums received for such Annuities as aforesaid shall be applied and disposed of, as the Monies to be collected and received from the Proprietors and Inhabitants of the said Houses are directed to be applied and disposed of by virtue of this Act.

Trustees may grant Annuities on 1000*l.* for 32 Years, after the Rate of 6*l. per Cent. per Ann.*

and for one Life at the Rate of 8*l. per Cent. per Ann.*

Application of the Monies.

XII. And to the Intent that the said Annuities may be effectually secured and duly and regularly paid, be it further enacted, That the said Trustees shall cause proper Books to be kept, for registring the Sums of Money which shall be advanced and paid for purchasing of the said Annuities; and shall from time to time cause to be made therein due and regular Entries of the Sums paid, the Time when paid, and the Names of the Persons paying the same; and the said Trustees, and the major Part of them, shall by proper Instruments or Deeds under their Hands and Seals grant such Annuities, issuing out of such yearly Rates, for such principal Sums as aforesaid; and the said respective yearly Rates, Sum and Sums of Money, hereby enacted to be paid by the Proprietors and Inhabitants of the Houses aforesaid, shall be charged and chargeable in the first Place with and for the Payment of such Annuities and all Arrears thereof from time to time, and shall be vested in the Annuitants upon Default of Payment of such Annuities, until the same shall be fully paid and satisfied together with Interest and the Costs and Charges occasioned by the Non-payment of the same; and the said Annuitants, in case there shall be any Arrear of the said Annuities, and until full Payment thereof together with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of raising, levying, and distraining for the Sums of Money payable by the said Proprietors and Inhabitants in respect of the said Annuities, as the said Trustees or their Collector or Receiver could have had, in case the said Annuities had been fully paid and satisfied: And the said Annuities shall be deemed Personal Estates, and shall and may be assignable and transferrable by Indorsement or otherwise, to any Person or Persons, and may be so assigned, transferred, and set over from time to time, toties quoties, as occasion shall require; and the Person or Persons to whom any such Transfer or Assignment is made, shall from and after the Time that the same is entered in a Book to be kept for that Purpose by the said Trustees be well and sufficiently intitled to such Annuity or Annuities, and to all Money due or to grow due thereon, and all such Annuities shall be free and exempt from all Parliamentary or other Taxes, Rates, and Assessments whatsoever.

Books to be kept for registering the Monies advanced on the Annuities, &c.

Security for Payment of them,

which shall be assignable, &c.

and free from all Taxes.

XIII. Provided nevertheless, and it is hereby further enacted, That if the said Trustees or the major Part of them shall instead of granting such Annuities as aforesaid judge it more reasonable to borrow Money for the Purposes aforesaid, repayable with Interest at Times to be agreed on, or shall think it proper to grant Annuities in Part, and borrow Money in other Part, for the Purposes aforesaid; then it shall and may be lawful to and for the said Trustees

Trustees may raise the Monies in the Way they think most proper, but shall not pay more than 4*l. per Cent. per Ann.*

Truſtees or the major Part of them, to borrow, take up, and receive any Sum or Sums of Money as they ſhall think proper, and to mortgage, charge, convey, or incumber the ſaid Rate or Rates payable by the ſaid Proprietors and Inhabitants, with and for the Repayment of the Sums ſo borrowed, with ſuch Intereſt, and at ſuch Times, and with ſuch Proviſions and Conditions of Redemption, as ſhall be agreed on, ſo that the principal Money to be borrowed do not, together with the Money received for the Purchaſe of any Annuities, exceed in the whole the principal Sum of One thouſand Pounds, and ſo as the Intereſt for the Monies ſo borrowed, do not exceed the Rate of Four Pounds per Centum per Annum.

Truſtees dying or refuſing to act, new ones may be elected.

XIV. And it is further enacted That for the continuing a ſufficient Number of fit and able Perſons to be Truſtees for putting this Act in Execution, in caſe any of them ſhall die or refuſe to act, it ſhall and may be lawful to and for the ſaid Truſtees ſurviving, or the major Part of them, to meet (Ten Days Notice being given of ſuch Meeting as aforeſaid) by any Writing or Writings under their Hands, or under the Hands of the major Part of them, from time to time and at all Times hereafter, within Three Months next after any Vacancy, and on their Default within the Time aforeſaid to and for the major Part of the Proprietors and Inhabitants of the Houſes in the ſaid Square, to elect, nominate, and appoint, in the Room of ſuch Truſtee or Truſtees ſo dying or refuſing to act, ſo many more Proprietors or Inhabitants of any of the Houſes in the ſaid Square, to make up the Number of Fifteen Truſtees, to be joined with the ſurviving or remaining Truſtees, in the Execution of all the Powers and Truſts in them repoſed by virtue and in purſuance of this Act; which Truſtee and Truſtees ſo elected or appointed is and are hereby impowered and authorized to act accordingly; and if any Truſtee who ſhall be choſen purſuant to this Act, being a Proprietor of any Houſe or Houſes in the ſaid Square, ſhall aliene, convey away, or aſſign his Property, Right, Title, and Intereſt, in and to all and every ſuch his Houſe or Houſes, or being an Inhabitant ſhall quit his Houſe and remove out of the ſaid Square to ſome other Habitation, then every ſuch Perſon ſhall from and after the Time of ſuch his Alienation, Conveyance, Aſſignment, or Removal, ceaſe to be a Truſtee for putting this Act in Execution to all Intents and Purpoſes; and it ſhall be lawful to and for the ſaid other or remaining Truſtees, or the major Part of them, to elect another Truſtee in his Room as aforeſaid, who when elected ſhall have, uſe, and exerciſe the ſame Truſts, Powers, Authorities, and Privileges, as any other Truſtee hath, or can uſe, or exerciſe by virtue of this Act.

Their Diſqualification.

Forfeitures to whom to be paid, and how.

XV. And it is further enacted, That all Penalties and Sum and Sums of Money made payable by this Act ſhall be paid to the ſaid Truſtees, or to ſuch Perſon or Perſons as they or any Eight of them ſhall appoint, and ſhall be applied to and for the ſeveral Uſes and Purpoſes in this Act mentioned.

Limitation of Actions.

XVI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought againſt any Perſon or Perſons, for any Thing that ſhall be done in purſuance of this Act, or in relation to the Premiſſes, then and in ſuch caſe the Action or Suit ſhall be brought or commenced within Three Kalendar Months next after the Fact committed, and not afterwards, and ſhall be brought or laid in the County of Middleſex, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at the Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions, Suit or Suits, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover full Coſts, and have the like Remedy for Recovery thereof as any other Defendant or Defendants hath or have in any other Caſe by Law.

Publick Act.

XVII. And it is hereby enacted and declared, That this Act ſhall be deemed and taken to be a Publick Act, and all Judges, and Juſtices are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

CAP. XVI.

An Act for explaining and amending an Act paſſed in the Ninth Year of the Reign of his preſent Majeſty, intituled, *An Act for building a Bridge croſs the River* Thames, *from the* New Palace Yard *in the City of* Weſtminſter, *to the oppoſite Shore in the County of* Surrey.

Preamble, reciting the Act 9 *Geor.* II. *cap.* 29.

WHEREAS an Act was made in the laſt Seſſion of this preſent Parliament, *For building a Bridge croſs the River* Thames, *from the* New Palace Yard *in the City of* Weſtminſter, *to the oppoſite Shore in the County of* Surrey, and certain Commiſſioners therein named were by the ſaid Act appointed and impowered to deſign, aſſign, and lay out, how and in what Manner and with what Materials the ſaid intended Bridge ſhould be made, erected, and built, and the Ways and Paſſages to and from the ſame, and to preſerve and keep in Repair ſuch Ways and Paſſages from time to time, and to make Contracts, and do all Matters and Things for carrying on and effecting the Purpoſes aforeſaid, and to cauſe the ſame to be effectually done and perfected accordingly; and for enabling the Commiſſioners to execute the Powers, and effect the Purpoſes of the ſaid Act, Authority was given for raiſing a Sum not exceeding Six hundred and twenty five thouſand Pounds, by way of Lottery, to be drawn within ſuch Time, and in ſuch Manner, and under ſuch Management and Regulations, as in and by the ſaid Act is in that Behalf ordered, directed, and preſcribed; which Money ſo to be raiſed, was thereby directed to be paid by the Contributors to and Adventurers in ſuch Lottery into the Bank of *England*, or to ſuch Caſhier or Caſhiers as the Directors of the Bank ſhould appoint, on or before the Firſt Day of *February*, One thouſand ſeven hundred and thirty ſix; and the Reſidue and Surplus of the Money ſo to be advanced and contributed, after Payment of the Prizes in the ſaid Lottery, and the Charges and Expences incident to and attending the Execution of the ſaid Act, was thereby directed to be iſſued, paid, and applied for and towards the erecting and building the ſaid Bridge, and repairing, preſerving, and ſupporting the ſame when built, and for other the Purpoſes therein mentioned, as the ſaid Commiſſioners or any Nine or more of them ſhould from time to time direct: And whereas there was contributed and paid in on the Credit of the ſaid Act, on the Firſt Day of *February*, One thouſand ſeven hundred and thirty ſix, only the Sum of Forty three thouſand one hundred and ſixteen Pounds, and the Time limited and appointed by the ſaid Act for executing ſeveral of the Powers and Authorities thereby given, is elapſed, and thereby the ſame

Act is rendered ineffectual to anſwer the Purpoſes thereby intended; wherefore to the End and Intent that a Deſign ſo uſeful to His Majeſty's Subjects, and the Publick in general, may be effectually carried into Execution; may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Commiſſioners, appointed by the ſaid former Act ſhall be and are hereby continued and appointed Commiſſioners for the deſigning, ordering, and building ſuch Bridge, and for maintaining, preſerving, and ſupporting the ſame when built; and that all and every the Powers and Authorities veſted in the ſaid Commiſſioners by the former Act, and all and every the Clauſes, Proviſions, Matters, and Things contained in the ſaid Act, other than ſuch of them as are not now capable of being executed and taking Effect, and except ſo far as the ſame or any of them are in and by this preſent Act varied, altered, or otherwiſe explained and provided for, ſhall remain, continue, and be in full Force, as amply and effectually, to all Intents and Purpoſes, as if the ſame were repeated and re-enacted by this preſent Act.

II. And foraſmuch as the erecting and building the Bridge before mentioned, and the repairing, preſerving, and ſupporting the ſame, and making and widening the Ways and Paſſages thereto from time to time, and the purchaſing ſuch Houſes and Grounds as aforeſaid, will be attended with conſiderable Charge and Expence; be it enacted by the Authority aforeſaid, That for and towards the raiſing a Sum not exceeding Seven hundred thouſand Pounds for the Purpoſes herein mentioned, it ſhall and may be lawful for any Perſon or Perſons whatſoever, Natives or Foreigners, Bodies Politick or Corporate, to contribute or advance, for and towards the raiſing the Sum of Seven hundred thouſand Pounds, by paying at or before the reſpective Days or Times to be appointed as hereafter is mentioned in that Behalf, into the Bank of England, or to ſuch Caſhier or Caſhiers as ſhall by the Directors of the Bank be appointed for that Purpoſe, the Sum of Ten Pounds, or divers intire Sums of Ten Pounds; for which Sum or Sums ſo advanced, he, ſhe, or they ſo advancing the ſame, ſhall be intitled to receive by virtue of this Act ſuch Sum or Sums of Money as are hereby directed or appointed; and ſuch Sum or Sums of Ten Pounds each, are hereby directed to be paid into the ſaid Bank, or to the Caſhier or Caſhiers to be appointed as aforeſaid, at ſuch Time or Times, and in ſuch Proportions at a Time, on or before ſuch a Day, as ſhall by the hereafter mentioned Managers and Directors be appointed in that Behalf, who are hereby directed and required to give publick Notice of the ſame in the London Gazette. *

700,000*l.* to be raiſed by way of Lottery.

* *The next 25 Sections in the Act, relating only to the Management of the Lottery, are omitted.*

The Reſidue of the Money, after Payment of the Fortunate Tickets, to be applied towards the Bridge.

XXVIII. And it is hereby further declared and enacted by the Authority aforeſaid, That the Reſidue of the Money ariſing and to be contributed by virtue of, and upon the Credit of this Act, which, after Payment of the Sum and Sums of Money hereby directed to be iſſued to the Proprietors of the Tickets in the ſaid Lottery, and other the Allowances to be made purſuant to this Act, and the Payment of the Salaries and Rewards to the ſaid Managers and Directors, and the Clerks, Agents, and Officers employed by them, and other the incident Charges and Expences attending the paſſing and execution of this Act as aforeſaid, will then remain, ſhall be paid into the Hands of ſuch Treaſurer or Treaſurers as ſhall be appointed, under the Hands and Seals of the ſaid Commiſſioners, or any Nine or more of them, purſuant to this Act, at ſuch Times, and by ſuch Sums, as the ſaid Commiſſioners, or any Nine or more of them, ſhall from time to time direct and appoint (ſuch Treaſurer or Treaſurers firſt giving Security to the ſaid Commiſſioners, or any Nine or more of them, for the due Application of the ſaid Money, and accounting for the ſame) and ſhall be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preſerving, and ſupporting the ſame, and making and widening the Paſſages and Ways thereto from time to time, and the purchaſing ſuch Houſes and Grounds as aforeſaid, in ſuch Manner, and at ſuch Times, as the ſaid Commiſſioners, or any Nine or more of them, ſhall from time to time direct. *

* *The four following Sections in the Act prohibit the ſelling Chances, &c. and direct the Repayment of the Money, in caſe the Subſcription ſhould not fill.*

If ſufficient Money be not raiſed by the Methods preſcribed,

His Majeſty may, after 29 *Sept.* 1737, by Letters Patents, incorporate the Truſtees.

XXXIII. And in caſe ſufficient Money ſhall not be raiſed by the Means and Methods before preſcribed for defraying the Charges and Expences of building the ſaid Bridge, and maintaining, preſerving, and ſupporting the ſame when built, and other Purpoſes herein mentioned; be it further enacted by the Authority aforeſaid, That then and in ſuch caſe it ſhall and may be lawful to and for His Majeſty, His Heirs, and Succeſſors, at any time after the Twenty ninth Day of September, which ſhall be in the Year of our Lord One thouſand ſeven hundred thirty ſeven, by Letters Patents under the Great Seal of Great Britain to incorporate all and every the Commiſſioners and Truſtees for putting this Act in Execution, or ſuch of them as ſhall be then living, and ſuch others as His Majeſty, His Heirs, or Succeſſors, ſhall think fit, to be one Body Politick and Corporate in Deed and in Name, and they and their Succeſſors to have perpetual Succeſſion, and a common Seal, and ſuch Seal from time to time to break, change, make new, or alter, as ſhall be found moſt expedient; and that they, and their Succeſſors, ſhall be able and capable in Law to have, purchaſe, receive, enjoy, poſſeſs, and retain to them and their Succeſſors, Meſſuages, Lands, Rents, Tenements, and Hereditaments, of what Nature or Quality ſoever, not exceeding the yearly Rent of Three hundred Pounds in the whole; and alſo to ſell, grant, demiſe, aliene, or diſpoſe of the ſame, or any Part thereof, at their free Wills and Pleaſures, to ſue and implead, be ſued and impleaded, anſwer and be anſwered, in Courts of Record or elſewhere, and to chooſe their Succeſſors and Officers from time to time, and to do and execute all and ſingular other Matters and Things that to them ſhall or may appertain to do, with ſuch Powers and Clauſes, as ſhall be neceſſary or required for erecting, building, preſerving, and ſupporting the ſaid Bridge, and the Ways and Paſſages thereto, from time to time, and to be under ſuch Rules, Qualifications, and Appointments, as His Majeſty, His Heirs, or Succeſſors ſhall think neceſſary or reaſonable to be inſerted in any ſuch Letters Patents, ſubject to ſuch Reſtrictions and Limitations as are in this Act expreſſed; and that it ſhall and may be lawful to and for His Majeſty, His Heirs and Succeſſors, by ſuch Charter of Incorporation, to impower ſuch Corporation, and their Succeſſors, to make reaſonable Laws, Conſtitutions, Orders, and Ordinances, from time to time, for the good Government of ſuch Corporation,

Corporation, and of their Agents and Officers, and to inflict reasonable Fines and Penalties for any Breach or Breaches thereof, and to sue for and recover the same to the Use of such Corporation.

Such Corporations may not take up any Moneypayable under Six Months, or discount any Bills, &c.

XXXIV. And be it enacted by the Authority aforesaid, That it shall not be lawful to or for the Corporation or Company, which shall or may be erected or established by virtue of or pursuant to this Act, as such Corporation or Company, to borrow or take up or give Security for any Sums of Money payable in less than Six Months, or to discount any Bills of Exchange, or other Bills or Notes whatsoever, or to keep any Books or Cash of or for any Person or Persons, Bodies Politick or Corporate whatsoever, other than and except only the proper Books, Monies, and Cash of the said Company or Corporation.

Members of the Corporation not disabled from being Members of Parliament.

XXXV. And be it further enacted, That no Member of the said Company or Corporation shall, in respect of being such Member only or by reason of any of the Matters and Things in this Act contained, be disabled to be a Member of Parliament.

XXXVI. And for the raising Money for the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and the Ways and Passages thereto, from time to time, and the purchasing such Houses and Ground as aforesaid, in case the same shall not be raised by such Means, and in such Method as is afore prescribed, and such Corporation shall be established, instituted, and erected, as aforesaid; be it enacted by the Authority aforesaid, That there shall be paid to the Receiver or Receivers, Collector or Collectors, to be nominated and appointed as is herein after mentioned, for Pontage, or in the Nature of a Toll, before any Passage over the said Bridge shall be permitted, the several Sums following;

Tolls.

For every Coach, Chariot, Berlin, Chaise, Chair, or Calash, drawn by Six or more Horses, the Sum of Two Shillings.

For every Coach, Chariot, Berlin, Chaise, Chair, or Calash, drawn by Four Horses, the Sum of One Shilling, and Six Pence.

For every Coach, Chariot, Berlin, Chaise, Chair, or Calash, drawn by less than Four Horses, the Sum of One Shilling.

For every Waggon, Wain, Dray, Carr, Cart, or Carriage drawn by Four or more Horses or Oxen, the Sum of One shilling and six pence; and by less than Four Horses or Oxen, the Sum of One Shilling.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two pence.

For every Foot Passenger on *Sundays*, the Sum of One peny, and on every other Day One half-peny.

For every Drove of Oxen or neat Cattle, the Sum of Twelve pence *per* Score, and after that Rate for any greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Six pence *per* Score, and after that Rate for a greater or less Number.

Monies arising from the Tolls vested in the Trustees.

Which said respective Sums of Money shall and may be demanded and taken in the Name of Pontage, or as a Toll or Duty; and the Monies to be received as aforesaid, and all other Monies to be received by the Authority of this Act, are hereby vested in the said Trustees; and the same and every Part thereof shall be paid, applied, disposed of, and assigned to and for the several Uses, Intents, and Purposes, and in such Manner as is herein mentioned and directed; and the said Commissioners, and Trustees, and their Successors, or any Nine or more of them, are hereby impowered, by themselves or by any Person or Persons by them or any Nine or more of them thereto authorized, to levy the Toll or Duty hereby required to be paid, unto any Person or Persons who shall after Demand thereof made neglect or refuse to pay the same as aforesaid; or to deny or hinder any Passage over the said Bridge until Payment thereof; which said Toll or Duty shall and may be levied by Distress of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods and Chattels of such Person or Persons as ought to pay the same; and all such Horses or other Cattle or Goods may be detained until such Toll or Duty with the reasonable Charges of such Distress shall be paid; and it shall be lawful for the Person or Persons so distraining after the Space of Four Days after such Distress made or taken to sell the Cattle or other Goods or Chattels so distrained for Payment of the said Toll or Duty, rendering to the Owner or Owners thereof the Overplus upon Demand, after Satisfaction of the said Toll or Duty, and the reasonable Charges in or about making such Distress and Sale and keeping the same shall be deducted and paid.

On Refusal of the Toll, Trusteesmay deny Passage, or levy the same by Distress.

Trustees to appoint Collectors,

XXXVII. And to the End the said Tolls and Duties may be duly accounted for, be it further enacted by the Authority aforesaid, That it shall be lawful to and for the said Commissioners and Trustees, and their Successors, or any Nine or more of them, at any time or times hereafter by any Writing or Writings under their Hands and Seals, or under their common Seal when incorporated as aforesaid, to nominate and appoint such Person or Persons to be Receiver or Receivers, Collector or Collectors, of the said Tolls or Duties as they shall think fit; and all Persons by this Act liable to pay the said Tolls or Duties or any of them are hereby required to pay the same after the Rates aforesaid to such Receiver or Receivers, Collector or Collectors aforesaid; and all such Receivers and Collectors shall respectively pay the same into the Hands of such Person and Persons, as the said Commissioners and Trustees, or their Successors, or any Nine or more of them, shall from time to time direct and appoint; and shall also upon Oath (if thereunto required by the said Commissioners and Trustees and their Successors or any Nine or more of them) before any Justice or Justices of the Peace of either of the said Counties of Middlesex or Surrey (which Oath such Justice and Justices is and are hereby impowered and required to administer) from time to time give in a true, exact, and perfect Account in Writing under their respective Hands of all Monies which they and every or any of them shall to such Time have received, paid, and disbursed by virtue of this Act, or by reason of their respective Offices, for which Oath

who are to give an Account upon Oath, if required, of the said Monies.

Commissioners to make Allowances to the Collectors.

no Fee or Reward shall be taken, and the same may be taken without any Stamp; and the said Commissioners, or any Nine or more of them, shall and may, out of the Monies arising by the said Tolls or Duties or otherwise by virtue of this Act, make such Allowances unto such Receiver and Receivers, Collector and Collectors, and all other Officers and Persons to be employed by or under the said Commissioners, for their Care and Pains in the Execution of their respective Offices, as the said Commissioners shall think fit and reasonable; and in Case any such Receiver or Receivers, Collector or Collectors, of the aforesaid Tolls or Duties so to be paid as aforesaid, or any of them, shall not make such Account and Payment as by this Act is directed, according to the Orders and Directions of the said Trustees and Commissioners, or any Nine or more of them, then such Justice or Justices aforesaid, shall commit the Party or Parties to the common Gaol of the County of Middlesex or Surrey, there to remain without Bail or Mainprize, until they shall have made a true Account and Payment as aforesaid.

Collectors on default of Account or Payment, to be imprisoned, till Satisfaction be made.

Monies borrowed or levied by virtue of the Act, to be applied to the building the Bridge;

XXXVIII. And be it further enacted by the Authority aforesaid, That all and every such Sum and Sums of Money as shall be advanced or borrowed by such Corporation for the Purposes of this Act, or which shall be raised or received by the Tolls and Duties aforesaid, shall be by the said Trustees, or any Nine or more of them (Notice being first given in the London Gazette) applied and disposed of to the building and erecting the Bridge to be erected by the Authority of this Act, with such Materials and in such Manner, as the said Trustees or any Nine or more of them shall judge most convenient; and for supporting, repairing, and amending the same from time to time, and the new Ways and Passages to and from the same to be purchased as aforesaid, and other the Purposes of this Act (the necessary Charges of passing this and the former Act, and managing, receiving, and collecting the said Tolls and Duties from time to time, being first deducted) and that there shall be provided and kept by the Treasurer, or Receiver or Receivers to be appointed by such intended Corporation, pursuant to this Act, one or more Book or Books, in which all Monies received by him or them by virtue of this Act, or for any the Purposes thereof; and all Payments and Disbursements out of the same, by Order or Direction of the said Trustees, or any Nine or more of them (all which Orders and Directions shall be under their Hands in Writing) shall from time to time be fairly set down and entered truly, expressing the Time when, and the Names of the Persons respectively, from, or to, or by whom, the same were so received or disbursed, or for what Uses or Purposes; and that Four Times at least in every Year, to wit, at the Feast of Saint Michael the Archangel, the Nativity of our Lord Christ, the Annunciation of the blessed Virgin Mary, and the Feast of Saint John Baptist, the Account from the said Books shall be fairly drawn and stated, and signed by the said Treasurer or Treasurers, Receiver or Receivers, and delivered by him or them to the said Trustees; which said Trustees, or any Nine or more of them are hereby impowered to discharge such Treasurer or Treasurers, Receiver or Receivers, so accounting, of all such Monies as he or they shall so as aforesaid fairly and truly account for; and the said Accounts, together with all Copies of all Contracts or Agreements from time to time made by the said Trustees for any of the Purposes of this Act, shall be delivered into each House of Parliament once in every Year, within Twenty Days after the opening of the Session.

Charges being first deducted.

Treasurer to keep a Book of Accounts,

which shall be delivered, once in every Year, into each House of Parliament.

Commissioners, when incorporated, may borrow Money on Credit of this Act.

XXXIX. And to the End a sufficient Sum of Money may be speedily raised for the Purposes of this Act, in case the same shall not be raised in Manner as aforesaid, and for better securing the same, be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, and their Successors, or any Eleven or more of them, and they are hereby impowered, when incorporated as aforesaid, by Indenture or Writing under their common Seal to convey and assure the Toll by this Act granted or any Part thereof, as a Security for any Sum or Sums of Money by them to be borrowed for the Ends and Purposes aforesaid, to any Person or Persons, Natives or Foreigners, or Bodies Politick or Corporate, that shall or will lend or advance the same, for securing the Repayment thereof with Interest not exceeding the Rate of Five Pounds per Centum per Annum.

Members of the said Corporation may lend Sums, and contract for the building the Bridge.

XL. And be it enacted and declared by the Authority aforesaid, That any Members of the said intended Corporation for the time being are and shall be capable, and they are hereby enabled and made capable, as well to advance and lend any Sum or Sums of Money, as also to undertake, contract, and agree for the erecting and building the said Bridge, or any Part or Parts thereof, as fully and effectually to all Intents and Purposes as any other Person or Persons whatsoever, any thing herein contained to the contrary notwithstanding.

Corporation may assign over any Tolls, &c.

XLI. And for the more effectual enabling the said Commissioners and Trustees, and Corporation aforesaid, as speedily as may be to compleat and perfect the said Work, be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Corporation when created, at any time or times to convey and assign over in Perpetuity or otherwise, all or any Tolls, Revenues, Profits, or Incomes of or belonging to the said Bridge or Ferries, or which shall in any wise arise, accrue, or belong to the same, unto such Person or Persons as will undertake, contract and agree to erect and build the said Bridge, and to preserve and keep the same in good and sufficient Repair, and shall give sufficient Security so to do, to the Satisfaction of the said Commissioners, and Trustees, and Corporation aforesaid; any thing herein or in the said former Act to the contrary notwithstanding.

Bonds of the said Corporation, and the Monies thereby due, assignable at Law.

XLII. And be it enacted by the Authority aforesaid, That all Bonds, Obligations, or Securities, under the common Seal of the said Corporation, whereby the said Corporation shall oblige themselves or their Successors, to pay any Sum or Sums of Money, and such Money, shall be assignable at Law, toties quoties, by Writing under their Hand and Seal, or Hands and Seals of the respective Person or Persons, or under the common Seal of any Body Politick or Corporate, to whom such Money shall in such Bond, Obligation, or Security be made payable, his, her, or their Executors, Administrators, Assigns, or Successors; and the

the ſame or any Part thereof, ſhall be deviſable by Will in Writing, toties quoties, and ſuch Aſſignments or Wills ſhall veſt the Property in the Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, Aſſigns, or Succeſſors, according to the Purport thereof; and all ſuch Aſſignees or Deviſees, or their Executors, Adminiſtrators, Aſſigns, or Succeſſors reſpectively, ſhall or may, in Failure of Payment of the Money payable upon, or by virtue of ſuch Bond, Obligation, or Security, bring and maintain, his, her, or their Action of Debt at Law againſt the ſaid Company or Corporation and their Succeſſors, for the Money which ſhall be due according to their reſpective Intereſts, upon ſuch Bond, Obligation, or Security, in all reſpects, as if ſuch Bond, Obligation, or Security had been originally made unto, and the Money thereupon due, had been made payable therein, unto ſuch Aſſignees or Deviſees, or their Executors, Adminiſtrators, Aſſigns, or Succeſſors reſpectively.

XLIII. And whereas by virtue of an Act of the Eleventh and Twelfth Years of the Reign of his late Majeſty King *William* the Third, intituled, *An Act for the Explanation and better Execution of former Acts made touching Watermen and Wherrymen rowing on the River* Thames, *and for the better ordering and governing the ſaid Watermen, Wherrymen, and Lightermen upon the ſaid River, between* Graveſend *and* Windſor, the Income of the *Sunday* Ferry from *Millbank* to *Vauxhall*, and a Moiety of the Income of the *Sunday* Ferries from *Weſtminſter* Bridge to *Stangate*, and from the *Horſe Ferry* to *Lambeth* Bridge, are paid to the ſaid Company of Watermen, Wherrymen, and Lightermen, and are applied towards the Maintenance and Support of poor, aged, decayed, and maimed Watermen, and their Widows: And whereas the ſaid Ferries do now and for many Years laſt paſt have produced a conſiderable Sum of Money annually, and the ſaid Ferries will be greatly leſſened if not totally deſtroyed, when the ſaid Bridge ſhall be built, whereby many ſuch poor, aged, decayed, and maimed Watermen, and their Widows, will be deprived of a Maintenance and Support; 11 & 12 W. III. cap. 21.

Commiſſioners to determine the Recompence to be made to the Watermen, &c.

therefore be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners continued and appointed by this Act, or any Nine or more of them, or the Corporation or Company to be eſtabliſhed in purſuance of this Act (in caſe ſuch Corporation ſhall be conſtituted) ſhall be and are hereby impowered and required, as ſoon as the ſaid Bridge ſhall be compleatly finiſhed and made paſſable, to ſettle, aſſeſs, and determine the Recompence fit to be made to the ſaid Company of Watermen, Wherrymen, and Lightermen, for and in reſpect of their Intereſt in the ſaid Ferries; and in caſe ſuch Recompence cannot be ſettled by Agreement between the ſaid Commiſſioners or Corporation and the ſaid Company of Watermen, Wherrymen, and Lightermen, then the ſaid Commiſſioners or Corporation ſhall be, and are hereby impowered and required within the Space of Two Kalendar Months, or ſooner, after the Expiration of One whole Year, to be computed from the Day the ſaid Bridge ſhall be compleatly finiſhed and made paſſable, to proceed to aſſeſs the ſame by a Jury or Juries of the County of Surrey, **by the ſame Methods, and in the ſame Manner as the ſaid Commiſſioners or the ſaid Corporation are impowered to aſſeſs the Damages for Houſes or Ground directed to be purchaſed for the Purpoſes of the ſaid former, or this preſent Act; and the Verdict of ſuch Jury, and the Judgement of the ſaid Commiſſioners or Corporation thereupon, ſhall be binding to all Parties, their Heirs, Succeſſors, Executors, and Adminiſtrators; and the ſaid Commiſſioners or Corporation are hereby authorized and required to cauſe ſuch Recompence to be paid out of the Monies intended to be raiſed for the Purpoſes of the ſaid former or this preſent Act, to the Rulers, Auditors, and Aſſiſtants of the ſaid Company of Watermen, Wherrymen, and Lightermen, or ſuch Perſon as they ſhall appoint to receive the ſame, within One Kalendar Month after ſuch Judgement ſhall be obtained; which Sum or Sums of Money ſo to be paid ſhall be laid out in ſome of the publick Funds, and the Income and yearly Produce thereof ſhall be applied to the ſame Purpoſes, as the Money ariſing by ſuch Ferries hath heretofore been applied.**

which ſhall be paid within 1 Month after Judgement.

XLIV. And whereas the building a Bridge from the *New Palace Yard* in the City of *Weſtminſter* to the oppoſite Shore in the County of *Surrey*, and the purchaſing and providing proper Ways and Paſſages to and from the ſame, may be attended with very great Expence, and a Bridge might be built from ſome other Part of the City of *Weſtminſter* croſs the River *Thames* at a leſs Charge, and which would be as commodious and beneficial and of as general Uſe; **be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners and the Survivors, or any Nine or more of them, to direct or cauſe to be built the Bridge intended to be provided for by this Act, croſs the River of** Thames, **either from the** New Palace Yard, **or from the** Horſe Ferry, **or thereabouts, in the Pariſh of Saint** John the Evangeliſt **in the ſaid City of** Weſtminſter, **to the oppoſite Shore in the County of** Surrey; **any thing in the ſaid former Act to the contrary notwithſtanding.**

The Bridge to be built either from the *New Palace Yard*, or from the *Horſe Ferry*, or thereabouts, to the oppoſite Shore.

XLV. **And it is hereby further enacted by the Authority aforeſaid, That immediately after the Commiſſioners and Truſtees appointed by the ſaid former Act, or the Survivors of them, ſhall be incorporated purſuant to this preſent Act; all the Powers and Authorities veſted in the ſaid Commiſſioners and Truſtees by the ſaid former Act, ſhall be veſted in and exerciſed by the ſaid Corporation; and all and every the Clauſes, Proviſions, Matters, and Things contained in the ſaid former Act, and not hereby varied, or otherwiſe explained or provided for, ſhall after ſuch Incorporation remain, continue, and be in full Force, as amply and effectually to all Intents and Purpoſes, as if the ſame were in and by this Act expreſly re-enacted and declared to take Effect, and be in Force after ſuch Incorporation.**

Corporation's Power.

Former Act in Force.

XLVI. **And be it further enacted by the Authority aforeſaid, That all ſuch Coſts and Charges as were expended in obtaining or by reaſon of paſſing the ſaid former Act, and ſuch Money as ſhall appear to be due to any Perſon or Perſons employed in purſuance thereof; and alſo ſuch Coſts and Charges as ſhall be expended in obtaining or by reaſon of paſſing this preſent Act, ſhall as ſoon as may be be paid out of the Money to be raiſed by virtue thereof.**

Charges of the former and this preſent Act to be paid.

XLVII. **And it is hereby enacted and declared, That this Act ſhall be deemed and allowed to be a publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices,** and other Perſons, **without ſpecially pleading the ſame.**

Publick Act.

CAP. XVII.

CAP. XVII.

An Act for repealing the preſent Duty on Sweets, and for granting a leſs Duty thereupon; and for explaining and enforcing the Execution of an Act paſſed in the Ninth Year of His preſent Majeſty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof*; and for appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders, loſt, burnt, or otherwiſe deſtroyed.

Preamble, reciting the Acts 5 *Annæ*, *c.* 19.

MAY it pleaſe Your moſt Excellent Majeſty; whereas by an Act of Parliament made and paſſed in the Fifth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for continuing the Duties on Low Wines and Spirits of the firſt Extraction, and the Duties payable by Hawkers, Pedlars, and Petty Chapmen, and Part of the Duties on ſtamped Vellum, Parchment, and Paper, and the late Duties on Sweets, and the One third Subſidy of Tonnage and Poundage, and for ſettling and eſtabliſhing a Fund thereby, and by the Application of certain Overplus Monies, and otherwiſe, for Payment of Annuities to be ſold for raiſing a further Supply to her Majeſty for the Service of the Year One thouſand ſeven hundred and ſeven and other Uſes therein expreſſed*, it was (amongſt other Things) enacted, That there ſhould be raiſed, levied, collected, and paid to her Majeſty, her Heirs, and Succeſſors, for the Purpoſes in the ſaid Act expreſſed, for every Barrel of Sweets made, which ſhould be for Sale from and after the Four and twentieth Day of *March*, One thouſand ſeven hundred and ſix, within or during the Space of Ninety nine Years from thence next and immediately enſuing, the Sum of Thirty ſix Shillings, the ſame Duty to be paid by the Maker or Makers of the ſaid Sweets, and ſo in Proportion for any greater or leſſer Quantity; and by one other Act made and paſſed in the Sixth Year of the Reign of her ſaid late Majeſty Queen *Anne*, intituled, *An Act for raiſing a further Supply to her Majeſty for the Service of the Year One thouſand ſeven hundred and eight, and other Uſes, by Sale of Annuities charged on a Fund not exceeding Forty thouſand Pounds* per Annum, *to ariſe by appropriating ſeveral Surpluſſes, and by granting farther Terms in the Duties on Low Wines, and on Hawkers, Pedlars, and Petty Chapmen, the Stamp Duties, the One third Subſidy, the Duty on Sweets, and one of the Branches of Exciſe, and by making other Proviſion in this Act mentioned*, it was (amongſt other Things) enacted, That the Duty upon Sweets made for Sale, which by the ſaid Act of the Fifth Year of her ſaid late Majeſty's Reign was granted for the Term of Ninety nine Years, commencing from the Twenty fourth Day of *March*, One thouſand ſeven hundred and ſix, ſhould be further continued, and be paid and payable to her ſaid late Majeſty, her Heirs, and Succeſſors within and throughout the united Kingdom of *Great Britain*, from and after the Expiration of the Term of Ninety nine Years laſt mentioned, for and during the further Term of Two Years from thence next and immediately enſuing; and by one other Act made and paſſed in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for enlarging the Fund of the Governor and Company of the Bank of* England, *relating to Exchequer Bills, and for ſettling an additional Revenue of One hundred and twenty thouſand Pounds* per Annum *upon his Majeſty during his Life, for the Service of the Civil Government, and for eſtabliſhing a certain Fund of Fifty four thouſand ſix hundred Pounds* per Annum, *in order to raiſe a Sum not exceeding Nine hundred and ten thouſand Pounds for the Service of the Publick, by Sale of Annuities after the Rate of Six Pounds* per Centum per Annum *redeemable by Parliament, and for ſatisfying an Arrear for Work and Materials at* Blenheim, *incurred whilſt that Building was carried on at the Expence of her late Majeſty Queen* Anne *of Bleſſed Memory, and for other Purpoſes therein mentioned*, it was (amongſt other Things) enacted, That the ſaid Duty upon Sweets made for Sale, which by the ſaid Act of the Fifth Year of her ſaid late Majeſty's Reign, was granted for the Term of Ninety nine Years, from the Twenty fourth Day of *March*, One thouſand ſeven hundred and ſix, and by the ſaid Act of the Sixth Year of her ſaid late Majeſty's Reign was continued for Two Years, to take Effect from the Expiration of the Term of Ninety nine Years laſt mentioned, ſhould have further Continuance, and be paid and payable to His Majeſty, His Heirs, and Succeſſors, for ever: And whereas all Liquors made by Infuſion, Fermentation, or otherwiſe, from foreign Fruit or Sugar, or from Fruit or Sugar mixed with other Materials, and commonly made uſe of for recovering, increaſing, or making of any kinds of Wine or Cyder, or of any Liquor called Wine, are declared to be Sweets by an Act of Parliament made in the Tenth and Eleventh Years of the Reign of his late Majeſty King *William* the Third, intituled, *An Act for laying further Duties upon Sweets, and for leſſening the Duties as well upon Vinegar, as upon certain Low Wines and Whale Fins, and the Duties upon Brandy imported, and for the more eaſy raiſing the Duties upon Leather, and for charging Cynders, and for permitting the Importation of Pearl Aſhes, and for preventing the Abuſes in the brewing of Beer and Ale, and Frauds in Importation of Tobacco*; and being made for Sale are chargeable by the ſaid Act with the Duty of Thirty ſix Shillings a Barrel: And whereas ſome Doubt has been made, whether Liquors made for Sale by Infuſion, Fermentation, or otherwiſe, from *Britiſh* Fruit or Sugar, or from Fruit or Sugar mixed with other Materials or Ingredients, and commonly called or diſtinguiſhed by the Name of *Made Wines*, are Sweets, and are chargeable with the ſaid Duty of Thirty ſix Shillings a Barrel, granted and continued by the ſeveral Acts before recited; and it has been found by Experience, that the Value and Quality of ſuch Wines will not bear the ſaid Duty to be charged thereon; **for obviating ſuch Doubt for the future, and for the Eaſe of the Makers of and Dealers in ſuch Wines as aforeſaid, we Your Majeſty's moſt dutiful and loyal Subjects, the Commons of** Great Britain **in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, the ſaid Duty of Thirty ſix Shillings a Barrel on Sweets payable to His Majeſty, His Heirs, and Succeſſors for ever, by the ſeveral Acts of Parliament before recited, ſhall ceaſe, determine, and be no longer paid or payable; any thing in the before mentioned Acts, or any other Act or Acts of Parliament, heretofore made to the contrary thereof in any wiſe notwithſtanding.**

1 *Geo.* I. *c.* 12.

10 & 11 *W.* III. *cap.* 21.

After 24 *June*, 1737, the Duty of 36 *s.* a Barrel on Sweets determines,

II. **And Your Majeſty's ſaid dutiful and loyal Subjects the Commons of** Great Britain **in Parliament aſſembled, being deſirous to raiſe the Supply granted to Your Majeſty in this Seſſion of Parliament, by Ways the leaſt burthenſome to Your Majeſty's Subjects, have reſolved to give and grant unto Your Majeſty the Duty herein after mentioned, and to that End and Purpoſe do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, there ſhall be raiſed, levied, and paid to and for the Uſe of His Majeſty, His Heirs, and Succeſſors for ever; for every Barrel of**

Liquor

Liquor made or to be made within the Kingdom of Great Britain for Sale, by Infusion, Fermentation, or otherwise, from foreign Fruit or Sugar, or from British Fruit or Sugar, or from Fruit or Sugar mixed with any other Ingredients or Materials whatsoever, commonly called Sweets, or called or distinguished by the Name of Made Wines, for which no Duty hath been already paid or shall be paid on or before the said Twenty fourth Day of June, the Sum of Twelve Shillings, to be paid by the Maker thereof, and so in Proportion for a greater or lesser Quantity.

and a Duty of 12*s.* a Barrel imposed on all *Sweets* or *Wines*, made from *British* or foreign Fruit or Sugar,

III. And be it further enacted by the Authority aforesaid, That the Commissioners and Officers of His Majesty's Revenue of Excise for the time being shall be the Commissioners and Officers for the Receipt and Management of the Duty before mentioned; and all Monies arising by the said Duty (the necessary Charges of levying and collecting the same excepted) shall from time to time be paid into the Receipt of His Majesty's Exchequer distinctly and apart from all other Branches of the publick Revenue, for the Uses and Purposes hereafter mentioned.

which shall be managed by the Commissioners of Excise, *&c.*

IV. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, every Maker of the Liquors aforesaid called Sweets or Made Wines for Sale, shall, before he, she, or they begin to make such Sweets or Wines, or any of them, give Notice in Writing at the next Office of Excise, of his, her, or their Name and Place of Abode, and of all and every the Rooms and Places made Use of by him, her, or them, for making or keeping of Sweets or made Wines, on Pain of forfeiting for every Room or Place so made use of as aforesaid without Notice as aforesaid the Sum of Twenty Pounds; and that all and every other the Powers, Authorities, Directions, Rules, Methods, Penalties, and Forfeitures, Clauses, Matters, and Things, which in and by an Act made in the Twelfth Year of the Reign of King Charles the Second, intituled, An Act for taking away the Court of Wards and Liveries, and Tenures *in Capite*, and by Knights Service, and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof, or by any other Law heretofore made in relation to the Duties upon Sweets, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, mitigating, or recovering, adjudging, or ascertaining the Duties thereby granted, and for preventing, detecting, and punishing Frauds relating thereto, shall be exercised, practised, applied, used, imposed, levied, recovered, and put in Execution for the securing, enforcing, managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying the Duty hereby granted, and for preventing, detecting, and punishing Frauds relating thereto, as fully and effectually to all Intents and Purposes, as if all and every the said Powers, Authorities, Rules, Directions, Methods, Penalties, and Forfeitures, Clauses, Matters, and Things were particularly repeated and again enacted in the Body of this present Act.

Makers of *Sweets* or *Made Wines* shall give Notice to the next Office of Excise of their Names and Places of Abode, *&c.*

on Penalty of 20*l.*

The Excise Laws applied to this Duty.

V. And be it further enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures relating to the said Duty upon Sweets hereby granted, shall be sued for, recovered, levied, and mitigated by such Ways, Means, and Methods as any Fine, Penalty, or Forfeiture is or may be in like Cases sued for, levied, recovered, and mitigated by any Law or Laws of Excise, or by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland; and that one Moiety of every such Fine, Penalty, and Forfeiture shall be to His Majesty, His Heirs, and Successors, and the other Moiety to him or them that shall sue for the same.

Penalties and Forfeitures where to be sued for, *&c.*

VI. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall at any Time be sued for any Thing done by him or them in pursuance of this Act, or any other Act now in Force relating to the Duties of Excise, or any other Duties under the Management of the Commissioners of Excise, he and they shall and may plead the General Issue, and give this Act and the said respective Acts in Evidence for his or their Defence; and if upon the Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs be nonsuited, then such Defendant or Defendants shall have treble Costs to him or them awarded against such Plaintiff or Plaintiffs.

Persons sued for executing this Act may plead the General Issue,

and recover Treble Costs.

VII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to charge with any Duty such Wine as the Owners or Occupiers of British Vineyards shall make from the Juice of British Grapes only growing thereon.

Wines of *British* Growth exempted from this Duty.

VIII. And whereas some Doubts have arisen touching the Method of recovering, levying, and mitigating the Penalties or Forfeitures imposed by an Act of Parliament made in the Ninth Year of his present Majesty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof*; now to put an End to all Doubts concerning the same, be it declared and enacted by the Authority aforesaid, That all Penalties and Forfeitures by the said Act imposed, may for the future during the Continuance of the said Act, and from the Time of the Commencement of the same hitherto might, lawfully be sued for, recovered, levied, and mitigated, by such Ways, Means, and Methods, as any Penalty or Forfeiture is or may be sued for, recovered, levied, or mitigated, by an Act made in the Twelfth Year of the Reign of his late Majesty King Charles the Second, intituled, An Act for taking away the Court of Wards, and Liveries, and Tenures *in Capite*, and by Knights Service, and Purveyance, and settling a Revenue upon His Majesty in lieu thereof, except as to those Penalties and Forfeitures, for the Recovery of which any other Means or Methods are by the said Act of the Ninth Year of his present Majesty directed.

Clause for rendering more effectual the Act of 9 *Geo.* II. *cap.* 23.

IX. And whereas by the said Act made and passed in the Ninth Year of His Majesty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof*, it is (amongst other Things) enacted, That from and after the said Twenty ninth Day of *September*, One thousand seven hundred and thirty six, no Person or Persons shall hawk, sell, or expose to sale any Brandy, Spirituous Liquors, or Strong Waters, by whatever Name or Names they are or may be called or distinguished, about the Streets, Highways, or Fields, in any Wheelbarrow or Basket, or upon the Water in any Ship, Boat, or Vessel, or in any other Manner whatever, or shall sell, or expose the same to Sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, other than in such Place

or Places as are in the ſaid Act mentioned or allowed, upon Pain of forfeiting for every ſuch Offence the Sum of Ten Pounds; and it ſhall and may be lawful to and for any One or more Juſtice or Juſtices of the Peace for the County, Riding, Diviſion, City, or Liberty reſpectively, wherein ſuch Offence ſhall be committed, on his or their own View, or on Confeſſion of the Party, or by Proof on the Oath of One or more credible Witneſs or Witneſſes made of ſuch Offence, to convict any Perſon or Perſons ſo offending, as aforeſaid; and ſuch Perſon or Perſons ſo offending and convicted ſhall immediately on ſuch Conviction pay the ſaid Sum of Ten Pounds into the Hands of the Churchwardens and Overſeers of the Poor of the Pariſh where ſuch Offence ſhall be committed, or One of them, and on ſuch Offender or Offenders refuſing or neglecting to pay the ſaid Sum, the Juſtice or Juſtices ſo convicting as aforeſaid ſhall and may by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, commit the Offender or Offenders to the Houſe of Correction for the ſaid County, City, or Liberty reſpectively, there to remain and be kept to hard Labour for the Space of Two Months to be reckoned from the Day of the ſaid Commitment, and the Perſon or Perſons ſo committed ſhall not be diſcharged until he, ſhe, or they ſhall have paid the ſaid Sum of Ten Pounds, or until the full Expiration of the ſaid Two Months, and every Sum or Sums of Money ariſing from the Conviction of any Perſon or Perſons as aforeſaid, in caſe there be no Informer, ſhall be wholly applied to the Uſe of the Poor of the Pariſh wherein the Offence was committed; but if there ſhall be an Informer, One Moiety of ſuch Money ſhall be paid to the Informer, and the other Moiety ſhall be paid to the Overſeers and Churchwardens as aforeſaid, or One of them, and applied to the Uſe of the Poor of the Pariſh as aforeſaid: And whereas ſuch Perſons as are willing and deſirous of putting the ſaid ſalutary Law in Execution, have not the Encouragement which is due to them, and which they juſtly deſerve, where the Perſons incurring the pecuniary Penalties of the ſaid Act are not able to pay the ſame, but in lieu thereof are ſent to the Houſe of Correction, as by the ſaid Act is directed; for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſeven, in all ſuch Caſes, as aforeſaid, it ſhall and may be lawful for the Commiſſioners of Excile in England and Scotland reſpectively, to cauſe ſuch Rewards as aforeſaid to be paid to the ſeveral and reſpective Perſons who ſhall appear to them to be intitled thereto as aforeſaid, out of any Money that ſhall be in their Hands, or any Officers belonging to them, that hath ariſen or ſhall ariſe by virtue of any Penalties or Forfeitures incurred by the ſaid Act as aforeſaid, and the Money ſo paid ſhall be accepted of and allowed in their Accounts, as ſo much Money paid to His Majeſty; and the ſaid Commiſſioners are and ſhall hereby be diſcharged thereof accordingly; and every Offender convicted as aforeſaid, and upon his or her Refuſal or Neglect to pay the ſaid Penalty of Ten Pounds committed to the Houſe of Correction as aforeſaid, ſhall before his or her Diſcharge therefrom be ſtript naked from the Middle upwards, and whipt until his or her Body be bloody.

Commiſſioners of Exciſe may reward Perſons who are intitled thereto, out of any Monies in their Hands, &c.

Offender convicted, and not paying the Fine, ſhall be committed, &c.

No Perſon to ſell made Wines without Licence from Two Juſtices of Peace, for which he ſhall pay their Clerk 2s. 6d. &c.

X. Provided alſo, and it is hereby enacted and declared, That nothing in this Act contained ſhall extend or be conſtrued to enable any Perſon or Perſons to ſell ſuch made Wines to be drunk in his or their Houſe or Houſes, unleſs ſuch Perſon or Perſons be firſt licenſed by Two or more of His Majeſty's Juſtices of the Peace of the County, Riding, Diviſion, City, or Liberty, wherein ſuch Perſon or Perſons ſhall ſell the ſaid made Wines, under the Hands and Seals of the ſaid Juſtices, for which Licence or Licences the Sum of Two Shillings and Six Pence, and no more, ſhall be paid to the Clerks of ſuch Juſtices, and no Fee or Sum of Money or other Reward whatſoever to the Clerk or Clerks of the Peace for entering the ſame, or on any other Account, on Pain of Five Pounds in caſe any of the ſaid Juſtices Clerks, or any Clerk of the Peace, ſhall ask, receive, or demand any more or other Fee or Fees on Account of ſuch Licences under any Pretence whatſoever, and if the Licence is not found and provided by the ſaid Juſtices Clerks, then no Fee whatſoever ſhall be due or received by them.

None to be granted but to Keepers of Coffee-houſes, &c.

XI. Provided always, and be it further enacted, That no Licence ſhall be granted to any Perſon or Perſons whatſoever for ſelling by Retale any made Wines whatſoever, except to ſuch Perſons only who ſhall keep publick Victualling-houſes, Inns, Coffee-houſes, or Ale-houſes; and if ſuch Licences ſhall be granted, the ſame are hereby declared void to all Intents and Purpoſes.

Duty on Spirituous Liquors ſtill to continue.

XII. Provided, That nothing in this Act ſhall extend, or be conſtrued to extend, to alter or take away any Duty chargeable on diſtilled Spirituous Liquors, or any other Liquors by the ſaid Act of Parliament made in the Ninth Year of the Reign of His preſent Majeſty.

XIII. And it is hereby alſo enacted, That there ſhall be provided and kept in the Office of the Auditor of the Receipt of the Exchequer One Book or Regiſter, in which all the Orders for Money payable upon this Act ſhall be entered and regiſtred; and that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to advance and lend to His Majeſty at the ſaid Receipt, upon Credit of the ſaid Duties by this Act granted, any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thouſand Pounds, which Lenders ſhall have Intereſt for the Forbearance of their reſpective Loans, not exceeding the Rate of Three Pounds per Centum per Annum, ſo as ſuch Loans be allowed to be made by the Commiſſioners of the Treaſury, or any Three or more of them, or by the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, who are hereby authorized to iſſue their Warrants for that Purpoſe, as faſt as ſuch Loans ſhall be wanted for the publick Service, the ſaid Intereſt to be paid half yearly from the making of ſuch Loans, until the Satisfaction of the principal Sums reſpectively, and that no Monies ſo to be lent ſhall be rated or aſſeſſed in any Tax or Aſſeſſment whatſoever; and that every ſuch Lender ſhall immediately have a Tally of Loan ſtruck for the Money by him, her, or them lent, and an Order of the ſame Date for Repayment thereof with ſuch Intereſt as aforeſaid; and that all ſuch Orders ſhall be regiſtred in Courſe according to their Dates; and all Perſons thereupon ſhall be paid in Courſe, as their Orders ſhall ſtand regiſtred, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, whoſe Orders ſhall be firſt regiſtred, ſhall be accounted the Perſon or Perſons to be firſt paid, and ſo ſucceſſively in Courſe; and that the Monies to come in by this Act, of the ſaid Duties, ſhall be in the ſame Order liable to the Satisfaction of the ſaid reſpective Perſons, their Executors, Adminiſtrators, or Aſſigns ſucceſſively, without undue Preference of One before another,

Clauſe of Loan at 3 l. per Cent.

Tallies and Orders for Repayment.

No undue Preference.

another, and not otherwise, and shall not be diverted or divertible to any other Use, Intent, or Purpose whatsoever; and that no Fee, Reward, or Gratuity, directly or indirectly, be demanded or taken for providing or making any such Books or Registers, or any Entries, Views, or Search in or for Payment of Money lent, or the Interest thereof, as aforesaid, by any of His Majesty's Officer or Officers, their Clerks, or Deputies, on Pain of Payment of treble Damages to the Party aggrieved by the Party offending, with full Costs of Suit; or if the Officer himself take or demand any such Fee or Reward, then to forfeit his Place also; and if any undue Preference of One before another shall be made in Point of Registry or Payment contrary to the true Meaning of this Act by any such Officer or Officers, then the Party offending shall be liable by Action of Debt, or on the Case, to pay the Value of the Debt with full Costs of Suit to the Party aggrieved, and shall be forejudged of his Place or Office; and if such Preference be unduly made by any his Deputy or Clerk without Direction or Privity of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and shall be for ever after incapable of his Place or Office; and in case the Auditor of the Receipt shall not direct, or the Clerk of the Pells record, or the Tellers make Payment, according to each Person's due Place and Order, as before directed, then he or they shall be adjudged to forfeit, and the respective Deputies and Clerks therein offending to be liable to such Action, Debt, Damages, and Costs, in such Manner as aforesaid: All which said Penalties, Forfeitures, Damages, and Costs, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint, shall be in any wise granted or allowed.

What shall not be reckoned undue Preference.

XIV. Provided always, That if it happen that several Tallies of Loan, or Orders for Payment, as aforesaid, bear Date, or be brought the same Day to the Auditor of the Receipt to be registred, then it shall be interpreted no undue Preference, which of those be entered first, so as he enters them all the same Day.

XV. Provided also, That it shall not be interpreted any undue Preference, to incur any Penalty in Point of Payment, if the Auditor directs, and the Clerk of the Pells record, and the Tellers do pay, subsequent Orders of Persons that come and demand their Money, and bring their Orders, before other Persons that did not come to take their Monies, and bring their Orders in Course, so as there be so much Money reserved as will satisfy precedent Orders, which shall not be otherwise disposed of, but kept for them, Interest upon Loan being to cease from the Time that Money is so reserved and kept in Bank for them.

Money lent may be transferred.

XVI. And be it further enacted, That all and every Person and Persons to whom any Money shall be due for Loans by virtue of this Act, after Order entered in the Book of Registry aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed on his, her, or their Order, may assign or transfer his, her, or their Right, Title, Interest, and Benefit of such Order, or any Part thereof, to any other, which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Registry aforesaid for Orders (which the Officers shall upon Request without Fee or Charge accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, or Assigns, to the Benefit thereof and Payment thereon, and such Assignee may in like Manner assign again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

Exchequer may issue out new Exchequer Bills.

XVII. And to the End there may be no Want or Failure of a certain Sum not to exceed in the whole the Sum of Five hundred thousand Pounds to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills as is herein after mentioned, or by both or either of those Ways or Means, for the publick Service; be it further provided and enacted by the Authority aforesaid, That in case the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall judge it more adviseable to raise the said Sum of Five hundred thousand Pounds, or any Part thereof, by Exchequer Bills instead of such Loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times at once, or by such Proportions at a Time as they respectively shall find to be most for the Advantage of the Publick, to prepare and make, or cause to be prepared and made, at the Exchequer, in such Method and Form as they or he shall think most safe and convenient, any Number of new Exchequer Bills containing One common Sum or different Sums in the principal Monies, so that in case there shall be no Loans made, then all the principal Sums to be contained in the said Bills to be made forth by this Act shall not exceed Five hundred thousand Pounds, and in case any such Loans shall be made, as aforesaid, then all the principal Sums to be contained in the said Bills to be made forth by this Act, together with such Loans so made, shall not exceed the said Sum of Five hundred thousand Pounds.

Bills to bear Interest at 3 *l.* *per Cent. per Annum.*

XVIII. And be it further enacted by the Authority aforesaid, That the said Bills to be prepared and made in pursuance of this Act shall or may bear an Interest not exceeding Three Pounds per Centum per Annum, and proportionably for any greater or lesser Sum to be contained therein, and to be payable to the Bearers thereof respectively, nevertheless the said Interest shall be abated and saved upon such of the said Bills to be made forth by this Act as shall at any Time or Times be in the Receipt of the Exchequer, or in the Hands or Power of any Receivers or Collectors of any Taxes, Aids, or Revenues whatsoever, payable to His Majesty, His Heirs, and Successors, during such Time and Times respectively as such Bill or Bills shall be or remain in the said Receipt, or in such Hands or Power as aforesaid.

These Bills to be numbered Arithmetically.

XIX. And it is hereby enacted, That all the said Bills so to be prepared and made shall be numbered Arithmetically, beginning with N°. I. and so proceeding in an Arithmetical Progression ascending, wherein the common Excess or Difference shall always be One, and shall

shall be registered accordingly; so that the principal Sums to be contained in every such Bill (after Repayment of the Loans which shall have been made as aforesaid, if any such be, with the Interest thereof, or reserving Money sufficient for that Purpose) may regularly be paid off and discharged in Course according to the Number of every such Bill as it shall stand in the said Register; and that the Interest upon all and every the same Bills shall be payable half yearly according to the Purport and true Meaning of this Act; and that upon every such Bill there shall be indorsed, printed, or written, in Words at Length or in Figures, the Sum after which the Principal to be contained therein shall be payable in such Course as aforesaid according to the Purport and true Meaning of this Act.

Treasury to direct the Course of Payment for Loans or Exchequer Bills.

XX. Provided always, and be it enacted by the Authority aforesaid, That in case the said Sum not exceeding Five hundred thousand Pounds shall be raised partly by Loans and partly by Exchequer Bills according to the Powers before given by this Act, that then and in such Case it shall and may be lawful to and for the Commissioners of his Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, when and as often as they shall by virtue of the said Powers direct any such Loans to be taken, or any such Exchequer Bills to be made out, at the same time also to direct and appoint the Course and Order in which such Loans or Exchequer Bills shall stand upon the said Register, and after what Sum they shall respectively begin to be payable in Course out of the Monies arising by this Act, so as no subsequent Loans or Exchequer Bills be made to alter the Course at first appointed for prior Loans or Exchequer Bills at the Time of taking in or making out such prior Loans or Exchequer Bills; any thing herein before contained to the contrary notwithstanding.

Treasury to appoint Cheques, &c.

XXI. And it is hereby further enacted, That all the said Bills shall be prepared and made with such Cheques, Indents, or Counterfoils as shall be directed by the said Commissioners of the Treasury, or any Three or more of them now being, or by the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being; and that the Person or Persons, who shall be appointed to pay off the said Bills in Course, shall, from time to time, have the Use and Custody of one Part of all the Cheques, Indents, or Counterfoils of the said Exchequer Bills to be prepared and made by virtue of this Act, from which the said Bills shall have been cut, to prevent his or their being imposed on by counterfeit or forged Bills; and that the Undertakers or Contractors for exchanging and circulating the said Bills, or such of them as shall be current, shall from time to time have the Use and Custody of one other Part of all the said Cheques, Indents, or Counterfoils of the said Exchequer Bills, from which the same shall have been cut off as aforesaid, in order to prevent their being imposed upon by counterfeit or forged Bills; and that all the said Parts of the said Cheques, Indents, or Counterfoils, shall be delivered back into the Exchequer, when the said Bills to be made forth by virtue of this Act shall be paid off, cancelled, and discharged.

Bills to be placed as Cash in the Exchequer,

XXII. And it is hereby enacted, That the said Commissioners of the Treasury, or any Three or more of them now being, or the said High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall and they are hereby respectively authorized and impowered to cause such Bills as shall be prepared by virtue of this Act to be placed as so much Cash in the respective Offices of the Tellers of the said Receipt of the Exchequer, each and every of which Tellers shall be severally charged with the Proportion of the said Bills which shall be so placed in his Office respectively; any Law or Usage to the contrary notwithstanding.

Clauses in the Malt Act relating to Exchequer Bill, extended to this.

XXIII. And be it further enacted by the Authority aforesaid, That all the said Bills to be issued as aforesaid shall be current in like Manner, and with such Privileges and Advantages, and subject to such Rules and Directions as are prescribed and enacted by an Act of this present Session of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*, and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty seven, for or concerning the Exchequer Bills thereby authorized to be made forth; and that all and every the Clauses and Provisoes in the said last mentioned Act relating to the Currency, Exchanging, or Receiving the same last mentioned Exchequer Bills by any publick Receivers of Aids, Taxes, or Supplies, or in His Majesty's Receipt of the Exchequer, or for preventing the forging, counterfeiting, or altering the same Bills, or for making out new Bills in the Room of such as shall be filled up with Indorsements, defaced, lost, burnt, or otherwise destroyed, or for making out Exchequer Bills of Five thousand Pounds each, or for making out Exchequer Bills without bearing Interest, or for making them afterwards to bear an Interest, or a higher or lower Rate of Interest from time to time as the Contractors shall agree to, or for preventing any Misapplication of the Fund on which the same are charged, or any other Misbehaviour of any Officers concerned in the receiving, issuing, exchanging, paying off, or cancelling the same last mentioned Exchequer Bills, or for enabling the Commissioners of the Treasury, or the Lord High Treasurer for the time being, to contract from time to time with any Person or Persons, Body or Bodies Politick or Corporate, for Payment of the Interest of, or exchanging for Ready Money on Demand, the Exchequer Bills thereby authorized to be issued at a Rate or Premium not exceeding Three Pounds per Centum per Annum, or for preventing any Disabilities in such Contractors, or for making them not liable to be Bankrupts on Account of such Contracts, or for appointing a Paymaster or Paymasters for paying off and cancelling the same Exchequer Bills in due Course and Order, shall be extended and construed to extend as well to the Exchequer Bills by this Act authorized to be made forth, as to the Exchequer Bills to be made forth in pursuance of the said Act for continuing to his Majesty the Duties upon Malt, Mum, Cyder, and Perry, as amply, fully, and effectually, to all Intents and Purposes, as if the same Clauses or Provisoes had been particularly repeated and re-enacted verbatim in this Act.

XXIV. And to the End the same Bills, or so many of them as shall from time to time remain undischarged, may the better obtain a Currency for such Time as they or any of them are

are hereby intended to be current, be it further enacted by the Authority aforesaid, That the Money which shall from time to time arise at the said Receipt of the Exchequer of or for the Duties by this Act granted shall from time to time as the same shall arise at the said Receipt be issued and applied at the said Receipt for or towards the paying off and discharging the Orders of Loan for the Monies which shall have been lent at the said Receipt, and for satisfying the Interest thereof, in such Course, Manner, and Form as are before in this Act prescribed or appointed for that Purpose, until all the Principal and Interest payable upon such Orders of Loan shall be fully satisfied, or Monies sufficient shall be reserved in the Exchequer for the full Payment and Satisfaction of the same; or the Monies which shall from time to time arise at the said Receipt of the Exchequer of or for the said Duties by this Act granted shall from time to time as the same shall arise at the said Receipt be issued to such Paymaster by way of Imprest and upon Account for or towards paying off and discharging the said Exchequer Bills which shall have been made forth by virtue of this Act, in such Course as aforesaid, and for or towards the Charge of circulating and exchanging the same Bills or any of them, and for or towards such other Payments as are in and by this Act directed or allowed to be made or discharged out of the same, and for no other Use, Intent, or Purpose whatsoever. Currency of these Bills.

XXV. And be it further enacted by the Authority aforesaid, That yearly and every Year during the Continuance of the said Orders of Loan and Exchequer Bills or any of them the Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall on the Feast Day of Saint Michael the Archangel in every Year, or within Twenty Days after, cause a true and perfect Account in Writing to be taken and attested by the proper Officers, of all the Monies which shall in the preceding Year have been paid into the Receipt of the Exchequer, for or upon Account of the said Duties by this Act granted as aforesaid, and how much thereof hath been applied or will be necessary to be applied, either towards the paying of Interest on the said Orders of Loan, or the Payment of any Premium, Rate, or Interest, in respect of the said Exchequer Bills, or any other necessary Charges authorized by this Act to be paid; and in case it shall appear that on any such Feast Day there shall be or remain in the Exchequer any Surplus arisen from the said Duties, over and beyond what will satisfy such Interest, Premium, Rate, and Charges, to that time, such Surpluses shall be and are hereby appropriated, and shall be from time to time forthwith issued and applied, as far as the same will extend, for or towards the paying off the principal Sums contained either in such Orders of Loan or in such Exchequer Bills, and discharging the same in a numerical Course, beginning with No. 1. and so on progressively, until all the said Orders of Loan and Exchequer Bills shall be discharged. An Account of the Monies arising by these Duties to be taken every Year. Application of them.

XXVI. And be it further enacted by the Authority aforesaid, That in case it shall appear that on any such Feast Day the Money arisen into the Exchequer in the preceding Year shall be so low or deficient, as that the same shall not be sufficient to discharge such Interest, Premium, Rate, and Charges to that time, such Deficiency shall from time to time be made good out of the first Supplies to be granted in Parliament, next after such Deficiency shall appear; and in case no such Supply shall be granted within Six Months next after such Deficiency shall happen, then the same shall be made good out of any the Monies, which at any Time or Times shall be or remain in the said Receipt of the Exchequer of the Surpluses, Excesses, and Overplus Monies, commonly called The Sinking Fund (except such Monies of the same Sinking Fund as are appropriated to any particular Use or Uses by any former Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may from time to time be issued and applied accordingly. Deficiency to be made good out of the *Sinking Fund*, and replaced by Parliament.

XXVII. Provided always, and be it enacted by the Authority aforesaid, That whatever Monies shall be issued out of the said Surpluses, Excesses, or Overplus Monies, commonly called The Sinking Fund, shall, from time to time, be replaced by and out of the first Supplies to be then after granted in Parliament; any thing herein contained to the contrary notwithstanding.

XXVIII. Provided always, and be it enacted by the Authority aforesaid, That all the Monies coming into the Exchequer either by Loans or Exchequer Bills, upon one Act of this Session of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry in that Part of *Great Britain* called *England*, and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty seven, and so much Money, if any such be, of the Duties thereby granted and continued, as shall arise or remain after all the Loans or Exchequer Bills made, or to be made on the same Act, and all the Interest, Premium, or Rate, and Charges thereon, and the Charges thereby allowable for raising the said Duties shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one other Act of this Session of Parliament, intituled, An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and thirty seven, and so much Money, if any such be, of the Tax thereby granted, as shall arise or remain after all the Loans or Exchequer Bills made or to be made on the same Act, and all the Interest, Premium, or Rate, and Charges thereon, and the Charges thereby allowable for raising the said Land Tax, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and the Sum of One Million by or out of such Monies as now are or at any Time shall be in the Receipt of the Exchequer of the Surpluses, Excesses, or Overplus Monies of the Fund, commonly called The Sinking Fund, arisen or to arise at or from the Feast Day of the Birth of our Lord Christ, One thousand seven hundred and thirty seven, after Payment of or reserving sufficient to pay such Monies as have been or shall be directed by any former Act or Acts of Parliament to be paid out of the same; and also all the Loans or Exchequer Bills to be made forth in pursuance of this present Act, shall be appropriated and applied,

and are hereby appropriated, for and towards the ſeveral Uſes, Intents, and Purpoſes herein expreſſed, ſubject nevertheleſs to ſuch Reſtrictions as are herein after preſcribed; that is to ſay, It is hereby enacted and declared, That out of all or any the Aids or Supplies aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Seven hundred thirty nine thouſand two hundred and one pounds, ſix ſhillings, and five pence, for or towards the Naval Services herein after more particularly expreſſed; that is to ſay, For or towards defraying the Charge of the Ordinary of his Majeſty's Navy, and for Half-pay to Sea Officers, and for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed, and for or towards Sea Services in the Office of Ordnance performed and to be performed.

Application of the Monies ariſing by the ſeveral Acts herein recited.

739,201 *l.* 6 *s.* 5 *d.* for Naval Services.

XXIX. And it is hereby enacted, That out of all or any the Aids or Supplies provided as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Fifty thouſand Pounds, for the rebuilding and repairing the Ships of the Royal Navy for the Year One thouſand ſeven hundred and thirty ſeven.

50,000 *l.* for Repair of the Royal Navy.

XXX. And it is alſo hereby enacted, That out of all or any the Aids or Supplies as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Ten thouſand Pounds upon Account for or towards the Support of the Royal Hoſpital at Greenwich, and for the better Maintenance of the Seamen of the ſaid Hoſpital, worn out, and become decrepit in the Service of their Country.

10,000 *l.* to *Greenwich* Hoſpital.

XXXI. And it is hereby alſo enacted, That out of all or any the Aids or Supplies as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Eighty thouſand three hundred and twenty eight pounds, five ſhillings, and five pence, for or towards defraying the Charge of the Office of Ordnance for Land Service performed and to be performed, and for defraying the extraordinary Expence of the Office of Ordnance for Land Services not provided for by Parliament.

80,328 *l.* 5 *s.* and 5 *d.* for the Office of Ordnance.

XXXII. And it is hereby likewiſe enacted, That out of all or any the Aids or Supplies provided as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding One million thirty nine thouſand one hundred ninety eight pounds, ten ſhillings, and four pence farthing, for or towards maintaining His Majeſty's Land Forces, and other Services herein after more particularly expreſſed; that is to ſay, Any Sum or Sums of Money not exceeding Six hundred forty ſeven thouſand five hundred forty nine pounds, eleven ſhillings, and three pence half-peny, for defraying the Charge of Seventeen thouſand ſeven hundred and four Men, including Commiſſion and Non-Commiſſion Officers and Invalids for Guards, Gariſons, and Six Independent Companies for the Service of the Highlands, and other His Majeſty's Land Forces in Great Britain, Guernſey, and Jerſey, for the Year One thouſand ſeven hundred and thirty ſeven; and any Sum or Sums of Money not exceeding Two hundred and fifteen thouſand ſeven hundred and ten pounds, ſix ſhillings, and five pence halfpeny, for maintaining His Majeſty's Forces and Gariſons in the Plantations, Minorca, and Gibraltar, and for Proviſions for the Gariſons at Annapolis Royal, Canſo, Placentia, and Gibraltar, for the Year One thouſand ſeven hundred and thirty ſeven; and any Sum or Sums of Money not exceeding Twenty eight thouſand ſeven hundred and ſeven pounds, five ſhillings, and ten pence, upon Account for Out-Penſioners of Chelſea Hoſpital, for the Year One thouſand ſeven hundred and thirty ſeven; and any Sum or Sums of Money not exceeding Fifty ſix thouſand four hundred and thirteen pounds, fourteen ſhillings, and three pence farthing, for defraying ſeveral extraordinary Expences and Services incurred in the Years One thouſand ſeven hundred and thirty five, and One thouſand ſeven hundred and thirty ſix, and not provided for by Parliament; and any Sum or Sums of Money not exceeding Forty four thouſand ſix hundred eighty five pounds, two ſhillings, and ſix pence, upon Account of Half-pay to the reduced Officers of His Majeſty's Land Forces and Marines, for the Year One thouſand ſeven hundred and thirty ſeven, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half-pay as are herein after preſcribed concerning the ſame; and any Sum or Sums of Money not exceeding Three thouſand nine hundred forty five pounds, for paying of Penſions to Widows of ſuch reduced Officers of His Majeſty's Land Forces and Marines as died upon the Eſtabliſhment of Half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thouſand ſeven hundred and ſixteen, for the Year One thouſand ſeven hundred and thirty ſeven; which ſaid Sum of Three thouſand nine hundred forty five pounds ſhall be iſſued to ſuch Perſon or Perſons as His Majeſty ſhall, by Warrant or Warrants under His Royal Sign Manual, direct or appoint to receive the ſame, to be by him or them paid over to ſuch Widows of Half-pay Officers, or their Aſſigns, according to ſuch Eſtabliſhments, Liſts, or other Directions, and with and ſubject to ſuch Conditions, Qualifications, Deductions, or other Allowances for the ſame, as His Majeſty by ſuch or the like Warrant or Warrants ſhall be graciouſly pleaſed to direct or appoint; and any Sum or Sums of Money not exceeding Forty two thouſand one hundred eighty ſeven pounds, ten ſhillings, on Account of the Subſidy payable to the King of Denmark, purſuant to the Treaty bearing Date the Nineteenth Day of September, One thouſand ſeven hundred and thirty four, for the Year One thouſand ſeven hundred and thirty ſeven.

1,039,198 *l.* 10 *s.* 4 *d.* farthing, for Land Forces.

56,413 *l.* 14 *s.* 3 *d.* farthing, for extraordinary Expences.

44,685 *l.* 2 *s.* 6 *d.* for Half-pay Officers.

3,945 *l.* for Widows of ſuch Officers.

42,187 *l.* 10 *s.* for Payment of the Subſidy to the King of *Denmark*.

XXXIII. And it is hereby alſo enacted, That out of all or any the Aids or Supplies provided as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Sixty two thouſand four hundred and one pounds, three ſhillings, and ſix pence farthing, towards making good the Deficiency of the Grants for the Year One thouſand ſeven hundred and thirty ſix.

62,401 *l.* 3 *s.* 6 *d.* farthing, for making good the Deficiency of the Grants for 1736.

XXXIV. And it is hereby alſo enacted, That out of all or any the Aids or Supplies provided as aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Ten thouſand and forty three pounds, three ſhillings, and ten pence farthing, to replace to the Sinking Fund the like Sum paid out of the ſame to make good the Deficiency of the additional Stamp Duties, purſuant to a Clauſe in an Act of Parliament paſſed in the Fourth Year of His Majeſty's Reign, for raiſing One Million two hundred thouſand Pounds by Annuities and a Lottery for the Service of the Year One thouſand

10,043 *l.* 3 *s.* 10 *d.* farthing, to the Sinking Fund.

ſeven

seven hundred and thirty one; and any Sum or Sums of Money, not exceeding Ten thousand Pounds, towards the Maintenance of the British Forts and Settlements belonging to the Royal African Company of England on the Coast of Africa; and any Sum or Sums of Money not exceeding Four thousand Pounds, towards repairing and finishing the Collegiate Church of Saint Peter Westminster; and there shall and may be issued to the Trustees for establishing the Colony of Georgia in America any Sum or Sums of Money not exceeding Twenty thousand Pounds, by them to be applied towards settling and securing the said Colony.

10,000 *l.* for the Forts of the *African* Company.

4,000*l.* towards the Repair of St. *Peter Westminster.*

20,000*l.* to the Colony of *Georgia* in *America.*

XXXV. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied to the Governor and Company of Merchants of Great Britain trading to the South Seas and other Parts of America, and for encouraging the Fishery, at the Feast of Saint Michael the Archangel, One thousand seven hundred and thirty seven, any Sum or Sums of Money not exceeding One Million, for or towards redeeming Part of the Annuities attending on the Capital Stock of Annuities commonly called Old South Sea Annuities, remaining due to the said Company; from which Time a proportional Part of their said Capital Stock of Annuities, and of the Annuities attending thereon, and of the Allowance for Charges of Management, shall cease and determine, for the Benefit of the Publick.

1,000,000*l.* for redeeming *Old South Sea* Annuities.

XXXVI. And be it enacted, That the said Aids or Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses and Purposes before mentioned, or for the several Deficiencies or other Payments directed to be satisfied thereout by any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this present Session of Parliament.

The aforesaid Monies limited only to the Uses directed.

XXXVII. And be it enacted by the Authority aforesaid, That the said South Sea Company shall forthwith upon the Receipt of the said Sum of One Million, or as soon after as conveniently may be, divide out and distribute the same as near as conveniently may be done amongst all the several Proprietors of their said capital Stock of Annuities, towards sinking and discharging so much of their Shares or Interests in the said capital Stock of Annuities, by even and equal Dividends amongst them all in Proportion to their respective Shares or Interests therein.

South Sea Company to distribute the said Million among the Proprietors proportionably.

XXXVIII. And to the End, Intent, and Purpose, that all Trust Estates and Interests in the said capital Stock of Annuities of the South Sea Company may be preserved and improved for the Benefit of the Persons concerned therein with the least Expence and Inconvenience to them, be it enacted by the Authority aforesaid, That in all and every Cases where in pursuance of this Act any Payments or Dividends shall be made of the Capital of any such Annuity Stock as shall be vested in any Person or Persons in Trust for other Persons, who have or claim distinct or different Interests therein, or for any other Ends or Purposes for which the capital Sum or Annuity ought to be preserved intire, such Payments or Dividends of the capital Stock of Annuities shall not be paid or applied as Dividends of Profit, Annuity, or Interest, but shall remain in the Hands of such Trustees respectively, till otherwise disposed of at Interest; and for that Purpose it shall and may be lawful to and for the Trustee or Trustees who shall receive the same, at his or their Discretion to lay out or dispose of the same or any Part thereof in the Purchase of so much other capital Stock of the same Kind, as at the current Market Price of such Annuity Stock the Monies received for such Dividends shall, as near as conveniently may be, extend to purchase; which new purchased Stock of Annuities shall be transferred to such Trustee or Trustees, and a Receipt or Receipts shall be given and signed by the Person or Persons transferring the same for the Monies paid for the same; and in case such Trustees respectively by Writing indorsed on or annexed to such Receipts, and signed or acknowledged before one of the Masters of the High Court of Chancery, shall declare that the Monies in the said Receipts were the Produce of the said Dividends of the said capital Stock of Annuities (which Signing or Acknowledgements such Masters in Chancery are hereby required to accept or take) and each and every such Master, before whom the same shall be done, shall at the same time certify the same by subscribing his Name thereto (for the doing whereof, such Master shall be paid for each Certificate One Shilling and no more) then and in every such Case the Annuity Stock mentioned in such Receipts to be transferred, shall respectively go and be deemed subject and liable to the same Trusts for the Benefit of the same Persons, and for the same Uses, Ends, Intents, and Purposes, as the rest of the Trust Annuity Stock remaining in such Trustees respectively will or ought to be subject and liable to, and such Trustees respectively shall from thenceforth be indemnified from any Loss, Charges, or Damages, on Account of their so doing, at the Expences of the said Trust Estates.

If Payment be made of the Capital of any Annuity Stock vested in Persons in Trust for others, *&c.* such Dividends shall not be paid as Dividends of Profit, *&c.* but remain in the Trustees Hands,

who may purchase other Capital Stock, which is to be transferred to the Trustees; and a Receipt given, *&c.*

XXXIX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to restrain or prohibit any such Trustees, from laying out or disposing of any of the said Trust Monies in any other Purchases or any other Securities, whether publick or private if they shall so think fit, in the same Manner, and with the same Freedom and Security to themselves, as they might have done if this Act had not been made.

This Act not to restrain Trustees from laying out Trust Money in other Purchases.

XL. And as to the said Sum of Forty four thousand six hundred eighty five Pounds, two Shillings, and six Pence, by this Act appropriated on Account of Half-pay as aforesaid; it is hereby enacted and declared by the Authority aforesaid, That the Rules herein after prescribed shall be duly observed in the Application thereof (that is to say) That no Person shall have or receive any Part of the same, who was a Minor and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same, except such Persons who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit, Civil or Military under His Majesty, shall have or receive any Part of the said Half-pay; that no Chaplain of any Garison or Regiment, who has any Ecclesiastical Benefice in Great Britain, or Ireland, shall have or receive any of the said Half-pay; that no Person shall have or receive any Part of the same, who hath resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Per-

Rules to be observed in the Application of Half pay.

ſons who would have been otherwiſe intitled to the ſame as reduced Officers; and that no Part of the ſame ſhall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately diſbanded in Ireland, except to ſuch as were lately taken off the Eſtabliſhment of Half-pay in Great Britain.

XLI. And whereas by an Act of Parliament made in the Ninth Year of His Majeſty's Reign, intituled, *An Act for enabling His Majeſty to borrow any Sum or Sums of Money, not exceeding Six hundred thouſand Pounds, to be charged upon the Surpluſſes, Exceſſes, or Overplus Monies, commonly called* The Sinking Fund, *redeemable by Parliament; and for the further Diſpoſition of the ſaid Fund, by paying off One Million of* South Sea *Annuities; and for appropriating the Supplies granted in this Seſſion of Parliament*, ſeveral Supplies which had been granted to His Majeſty as is therein mentioned, were appropriated to ſeveral Uſes and Purpoſes therein expreſſed, amongſt which any Sum or Sums of Money, not exceeding Forty ſix thouſand ſeven hundred and eighty Pounds, eighteen Shillings, was appropriated to be paid to the reduced Officers of His Majeſty's Land Forces and Marines, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half-pay, as in and by the aforeſaid Act were preſcribed in that Behalf; now it is hereby provided, enacted, and declared by the Authority aforeſaid, That ſo much of the ſaid Sum of Forty ſix thouſand ſeven hundred and eighty Pounds, and eighteen Shillings, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers, according to the ſaid Rules by the ſaid Act preſcribed to be obſerved in the Application thereof, or any Part of ſuch Overplus, ſhall or may be diſpoſed of to ſuch Officers, who are maimed or loſt their Limbs in the late Wars, or ſuch others as by Reaſon of their long Service or otherwiſe His Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrant or Warrants under His Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf; any thing in this Act or the ſaid former Act to the contrary notwithſtanding.

Overplus may be diſpoſed of to Officers, maimed, &c. or to ſuch Objects of Charity as his Majeſty ſhall approve of.

XLII. And whereas ſeveral Bills commonly called *Exchequer Bills*, and ſeveral Tickets commonly called *Lottery Tickets*, and alſo ſeveral Orders and Certificates made forth, not only in lieu of the ſaid Lottery Tickets, but likewiſe for Annuities of divers Kinds payable at or near the Receipt of His Majeſty's Exchequer, have by Caſualty or Miſchance been loſt, burnt, or otherwiſe deſtroyed, which Exchequer Bills, Lottery Tickets, Certificates, Annuity Orders, and other Orders, of the reſpective Denominations aforeſaid, were made forth by and in purſuance of ſeveral Acts of Parliament in that Behalf; be it therefore enacted by the Authority aforeſaid, That in all Caſes where it ſhall appear by Affidavit to be made before any of the Barons of the Exchequer for the time being (who ſhall interrogate the Deponent thereupon) to the Satisfaction of ſuch Baron or Barons, that any ſuch Exchequer Bills or any ſuch Tickets, Certificates, Annuity Orders, or other Orders, as aforeſaid, before the Seventh Day of July, One thouſand ſeven hundred and thirty ſeven, have been or are loſt, burnt, or otherwiſe deſtroyed, or that there be good reaſon to believe that the ſame have been burnt, loſt, or otherwiſe deſtroyed, it ſhall and may be lawful for the reſpective Officers and Perſons appointed to iſſue or make forth ſuch Exchequer Bills, Tickets, Certificates, Annuity Orders, or other Orders, or to pay or diſcharge the ſame, or to iſſue any Monies due or payable thereon, upon producing a Certificate from any of the ſaid Barons of ſuch Affidavit made before him (which Affidavit the ſaid Barons or any of them is and are hereby authorized to take, and which Certificate he or they are hereby required to make and grant without Fee or Reward) and on the Security given to the ſaid reſpective Officers and Perſons to their good liking to indemnify them reſpectively againſt all other Perſons whatſoever, for and concerning the Monies ſpecified in or due upon ſuch reſpective Bill or Bills, Ticket or Tickets, Certificate or Certificates, Order or Orders, they the ſaid Perſons and Officers reſpectively ſhall and are hereby required to make forth Duplicates of the ſaid Bills, Tickets, Certificates, and Orders, at the Requeſt of the reſpective Owners, and to pay and diſcharge the ſame, and all ſuch Intereſt as is or ſhall be due on any of them carrying Intereſt, as he or they ſhould have paid or diſcharged on the ſaid original Bills, Tickets, Certificates, Annuity Orders, or other Orders, if the ſame had been produced, and ſhall be allowed all ſuch Payments in their reſpective Accounts.

Exchequer Bills, Lottery Tickets, &c. proved to be loſt by Caſualty, by Affidavit before any Baron of Exchequer, before 7 *July*, 1737, to be made forth upon producing a Certificate from the ſaid Baron; and the Officers on Security given to indemnify them, may make forth Duplicates of the ſaid Bills, &c.

XLIII. And in all Caſes where the ſigning of the Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer of Great Britain for the time being, is neceſſary for making the ſaid Duplicates or any of them effectual for the Purpoſes aforeſaid, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the time being, to ſign ſuch Duplicates accordingly.

Commiſſioners of the Treaſury, &c. impowered to ſign ſuch Duplicates.

CAP. XVIII.

An Act for rebuilding the Church of the Pariſh of Saint *Olave*, in the City of *London*, and in the Borough of *Southwark* in the County of *Surrey*.

Preamble. WHEREAS the Church of the Pariſh of Saint *Olave*, in the City of *London*, and Borough of *Southwark* in the County of *Surrey*, is a very ancient Fabrick, and notwithſtanding conſiderable Sums of Money have been laid out by the Inhabitants of the ſaid Pariſh in repairing and ſupporting the ſame, Part thereof hath fallen down, and the other Part which is ſtanding, is in a very ruinous Condition; now, to the Intent the ſaid Church may be rebuilt for the publick Worſhip of God and the Inſtruction of the Inhabitants of the ſaid Pariſh in the true Chriſtian Religion as now profeſſed in the Church of England, and that the ſame may be effected in the Manner that may be leaſt burthenſome to the Inhabitants of the ſaid Pariſh; may it pleaſe Your moſt Excellent Majeſty, at the humble Requeſt of the Rector, Churchwardens, and other Inhabitants of the ſaid Pariſh, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Truſtees herein after appointed, or for any Seven or more of them, to cauſe the ſaid Pariſh Church to be pulled down, and to be rebuilt, after ſuch Model, and of ſuch Dimenſions, and of ſuch Materials, and in ſuch Manner, as by the ſaid Truſtees ſhall be agreed upon.

The Church to be rebuilt.

II. And

II. And for defraying the Expences of pulling down and rebuilding the said Church, be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty seven, when any of the Bells of the said Parish Church shall be required to be rung or tolled upon Occasion of the Death or Burial of any Person in the said Parish, there shall be paid such Rates and Duties for the same as have been anciently and accustomably payable and paid, and are specified and contained in a Table of Fees agreed upon at a Meeting of the Rector, Churchwardens, and Parishioners of the said Parish, assembled in the Vestry of the same, upon the Fourth Day of April, One thousand seven hundred and twenty seven, and ratified and confirmed by the then Lord Bishop of Winchester. Rates for ringing the Bells,

III. And be it enacted by the Authority aforesaid, That all Monies arising or to arise by or from the Use of Palls, which shall during the Continuance of this Act be supplied or furnished by or at the Charge of the said Parish, shall be applied to and for the Uses and Purposes mentioned in this Act, and that the Churchwardens of the said Parish for the time being shall provide Two or more handsome and decent Palls for the Use and Service of Funerals in the said Parish; and that no Person or Persons whatsoever shall bring or cause to be brought into the said Church or any of the Church-yards or Burial-grounds belonging to the said Parish, any Pall or Palls, unless such Person or Persons shall first pay such Rates or Duties for the same, as in the said Table of Fees are specified. and for Use of Palls.

IV. And to the End that all the Monies which shall arise from the Rates and Duties above mentioned, and the Assessments herein after directed to be levied, may be duly paid, and faithfully applied, to answer, satisfy, and discharge all such Sums of Money as shall be necessary for the rebuilding and adorning the said Church, and which shall be advanced and lent upon the Credit of this Act for the Purposes aforesaid in such Manner as is herein after mentioned; be it further enacted by the Authority aforesaid, That it shall be in the Power of the Right Reverend the Lord Bishop of Winchester for the time being, the Right Honourable Thomas Lord Onslow, the Right Honourable Arthur Onslow Esquire, Speaker of the House of Commons, the Honourable Richard Onslow Esquire, Thomas Scawen Esquire, and all the Members who serve in Parliament for the City of London, and Borough of Southwark for the time being, Colonel Richard Onslow, Robert Hucks, Richard Lockwood, Esquires; the Alderman for Bridge Ward for the time being, the Rector and Churchwardens of the said Parish for the time being, Daniel Alexander, James Brooks, John Carter, Richard Carter, William Clark, Thomas Collison, Richard Crawley, Alexander Hay, Abraham Heckstell, Cornelius Herbert, Ralph Hilditch, Thomas Hucks, Thomas Hyde, William Kenyon, Edward Lambert, William Leigh, William Lesoe, Lancaster Maunds, Smith Meggott, Thomas North, Hamilton Peters, Samuel Pugh, Henry Scott, Francis Sherwood, Henry Spence, Richard Turner, Nicholas Wickenden, Josias Williams, and John Willis, who are hereby appointed Trustees for putting this Act in Execution, and the Survivors of them, or any Seven or more of them, to receive and take the several and respective Rates and Duties herein before mentioned, and the Assessments herein after directed to be levied, and the same are hereby vested in the said Trustees, for the Purposes aforesaid, and shall be by them paid and applied to and for the several Uses and Purposes aforesaid, in such Manner as is herein after mentioned (the necessary Expence in obtaining this Act and other incident Charges being first deducted) and the said Trustees, or any Seven or more of them for the time being, are hereby impowered by themselves, or any Person or Persons by them or any Seven or more of them for the time being by any Writing under their Hands and Seals to be thereunto authorized, to levy by Warrant under the Hands and Seals of the said Trustees, or any Seven or more of them, the said Rates, Duties, and Assessments, upon any Person or Persons liable to pay the same, who, after Demand made thereof, shall for the Space of Seven Days neglect or refuse to pay such Rates, Duties, and Assessments according to the true Intent and Meaning of this Act, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and to detain and keep the same, until such Rates and Duties, with the reasonable Charges of such Distress, shall be paid; and that it shall be lawful for such Person and Persons so distraining (after the Space of Three Days next after such Distress taken) to sell the Goods so distrained, returning the Overplus (if any be) to the Owner or Owners thereof, after such Rate or Rates, Duty or Duties, Assessment or Assessments, and reasonable Charges of distraining, keeping, and selling the same shall be deducted. Trustees appointed

to receive and apply the Duties.

Distress on Non-payment.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Parishioners of the Parish of Saint Olave aforesaid in their Vestry assembled, and they are hereby impowered and required, within Two Kalendar Months after the passing this Act to nominate Twelve substantial Inhabitants of the said Parish, who have not served the Office of Scavenger therein; out of which Twelve Persons so to be nominated, and in Default of such Nomination out of the other Inhabitants who have not served that Office, the said Trustees or any Seven or more of them are hereby authorized, impowered, and required to choose and appoint Six Persons to be Receivers or Collectors of such Rates, Duties, Assessments, and Sums of Money, as shall be due and payable by virtue of this Act, from all Persons liable to pay the same; and the said Parishioners in their Vestry assembled are also hereby authorized, impowered, and required, on the Tuesday in Easter Week, which shall be in the Year of our Lord One thousand seven hundred and thirty eight, and also on the Tuesday in Easter Week in every succeeding Year, to nominate Twelve other like Inhabitants; and the said Trustees or any Seven or more of them shall choose and appoint Six of such Inhabitants, and in Default of such Nomination Six other like Inhabitants, to be Receivers or Collectors of the same Rates, Duties, Assessments, and Sums of Money directed to be raised and levied for the Purposes of this Act: And all Persons who by virtue of this Act are charged or chargeable with all or any the said Rates, Duties, and Assessments, shall and they are hereby required to pay the same unto such Receivers or Collectors accordingly, the said Receivers or Collectors giving Receipts for the same gratis. Collectors how to be chosen.

Their Charge.

VI. And be it further enacted by the Authority aforesaid, That the said Collectors or Receivers to be appointed as aforesaid shall from time to time pay over all and every the Sum and Sums of Money by them respectively collected and received to such Person or Persons as the said Trustees or any Seven or more of them shall by any Writing or Writings under their Hands and Seals authorize and impower to receive the same, to be applied according to the true Intent and Meaning of this Act, and not otherwise; and every such Collector or Receiver shall fairly enter in One or more Book or Books to be kept for that Purpose, all and every Sum or Sums of Money which they and every of them shall have respectively received, collected, levied, or paid by virtue of this Act, or by virtue of any Power or Authority in pursuance thereof, or by Reason or Means of the said Offices respectively, with the respective Times of their receiving and paying the same, and shall upon Oath, or Affirmation being one of the People called Quakers, as often as required by the said Trustees or any Three or more of them, before One or more Justice or Justices of the Peace for the said City of London or County of Surrey (which Oath or Affirmation such Justice or Justices is and are hereby impowered to administer) give a true, exact, and perfect Account in Writing under his Hand of all Monies which he shall have collected, levied, received, or paid, by reason of his said Office; for which Oath or Affirmation no Fee or Reward shall be taken; and the same may be taken in Writing without any Stamp thereon.

Collectors, on Default, to be imprisoned.

VII. And be it further enacted by the Authority aforesaid, That if any such Collectors or Receivers shall neglect or refuse to account for any Sum or Sums of Money by them respectively collected, levied, or received, to the said Trustees or any Seven or more of them, or to pay the same to such Person or Persons as they or any Seven or more of them shall by Writing under their Hands and Seals authorize and impower to receive the same, that then it shall and may be lawful to and for the said Justice or Justices of the Peace of and for the said City of London or County of Surrey respectively, to enquire of and concerning such Neglects, Refusals, Non-payments, and Offences; and if any Person or Persons shall be convicted by such Justice or Justices of any such Neglect, Refusal, Non-payment, or Offence, then such Justice or Justices shall upon such Conviction commit such Person or Persons to the common Gaol of the said City or County, there to remain without Bail or Mainprize until he or they shall have made a true and perfect Account and Payment as aforesaid: And in case any Person or Persons who shall be so chosen or appointed a Collector or Collectors, Receiver or Receivers, of the said Rates, Duties, and Assessments, directed to be raised and levied in pursuance of this Act, shall neglect or refuse to act in or execute such Duty or Office by the Space of Seven Days after such Appointment and Notice thereof in Writing left at his or their usual Place of Abode, then every Person so neglecting or refusing shall forfeit the Sum of Ten Pounds to the Trustees appointed by this Act, to be levied, recovered, and applied, in such and the same Manner as the Duties to be raised by virtue of this Act are herein before directed to be levied, recovered, and applied; and that upon every such Neglect or Refusal of any Person or Persons so to act in such Duty or Office as aforesaid, then and in such Case it shall and may be lawful to and for the said Trustees or any Seven or more of them, and they are hereby authorized and required, to choose and appoint a new Collector or Receiver, in the Place and Stead of such Person or Persons so neglecting or refusing to act as aforesaid; and every such new Collector or Receiver shall be subject and liable to such and the same Penalties as the Person in whose Place he shall be chosen was subject and liable to.

Forfeiture of 10*l.* on refusing to act.

Collectors exempted from being Scavengers.

VIII. Provided always, That all and every Person and Persons who shall have served the said Office of Collector or Receiver of the said Rates, Duties, and Assessments herein directed to be raised and levied, during the Time for which he shall be thereto appointed by virtue of this Act, shall from thenceforth be totally exempted and discharged from serving the Office of Scavenger in or for the said Parish of Saint Olave.

Annuities on Contributions,

IX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, to contribute, advance, and pay into the Hands of the said Trustees, or any Seven or more of them, or such Person as they or any Seven or more of them shall by any Writing under their Hands and Seals authorize to receive the same (such Person giving sufficient Security to the said Trustees) for the Uses before mentioned, any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable during the full Term of Thirty two Years, or for the natural Life of such Contributors respectively, or the natural Life of such other Persons as shall be nominated by or on Behalf of such respective Contributors at the Time of Payment of their respective Contribution Monies, so as the Annuity or Annuities for Thirty two Years do not exceed Seven Pounds per Annum for any Sum of One hundred Pounds, and so as the Rate or Rates for any such Annuity for the single Life of any one Person do not exceed Eight Pounds ten Shillings per Annum for every One hundred Pounds, and so in proportion for any greater or less Sum to be advanced and paid as aforesaid; all which said Annuities so to be purchased as aforesaid shall not exceed in the whole the Sum of Four hundred Pounds per Annum, and shall be payable and paid by the said Trustees, or any Three or more of them, in the Vestry Hall of the said Parish to the Purchasers of the same, their Executors, Administrators, or Assigns, at such Times, and in such Proportions, as shall be agreed upon between the Purchasers and the said Trustees.

not to exceed 400*l. per Ann.*

Annuitants Names and Purchase Money to be entered in a Book.

X. And it is hereby further enacted by the Authority aforesaid, That there shall be provided by the said Trustees, and kept in the Vestry Hall of the said Parish, a Book or Books, in which shall be fairly written in Words at length the Names and Surnames, with the proper Additions and Places of Abode, of all such Persons who shall be Purchasers of any of the Annuities aforesaid, and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon this Act, and also the Sum and Sums so paid for the Purchase of such Annuities, and the respective Days of Payment thereof; to which Books it shall be lawful for the said respective Purchasers, their Executors, Administrators, or Assigns, and to and for any Person or Persons who shall be liable

ble to pay any Assessments to be made by virtue of this Act, from time to time, and at all seasonable Times to have recourse and to inspect the same without Fee or Reward.

Annuities charged on the Rates,

XI. And be it further enacted by the Authority aforesaid, That all and every the Annuities so to be purchased under and by virtue of this Act shall be and are hereby charged upon, and shall be paid and payable from time to time out of, the Monies arising by the said Rates, Duties, and Assessments herein mentioned; and all and every the Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuity or Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Executors, Administrators, or Assigns, shall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy, the respective Annuity or Annuities so to be purchased out of the said Rates, Duties, and Assessments by this Act appropriated or appointed for the Payment thereof; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, or Assigns respectively, shall have good, sure, absolute, indefeasible Estates and Interest in the Annuities so by them respectively to be purchased according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject or liable to any Parliamentary Tax or other Taxes, Rates, or Duties whatsoever. and exempt from Taxes.

Receipts and Orders of Annuities to be given.

XII. And be it enacted by the Authority aforesaid, That every Contributor upon this Act for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase Money for the same at the Rate aforesaid or any Part or Proportion thereof into the Hands of the said Trustees or any Seven or more of them, or to such Person as shall be appointed as aforesaid, shall have one or more Receipt or Receipts importing the Receipt of so much Purchase Money as shall be paid; and upon Payment of all the Purchase Money for any such Annuity or Annuities at the Rate aforesaid every such Contributor, his, her, or their Assigns respectively, shall have an Order in Parchment or Vellum for Payment of the said Annuity or Annuities for and during the said Term of Thirty two Years, or for the natural Life of such Person as shall be nominated therein as aforesaid, which Order shall be signed by the said Trustees, or any Seven or more of them; and after signing thereof the same shall be firm, good, valid, and effectual in Law, according to the Purport and true Meaning thereof and of this Act.

Annuities assignable.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to or for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times by Writing under his, her, or their Hands and Seals to assign such Annuity or Annuities, or any Part thereof, or Interest therein, to any Person or Persons whatsoever, and so often as Occasion shall require, and a Memorandum or Entry of all such Assignments shall be made in a Book, which is hereby required to be kept for that Purpose at the Charge of the said Trustees in the Vestry Hall belonging to the said Parish, which Entry or Memorandum shall be made gratis.

Assessments not exceeding 6 *d. per* Pound.

XIV. And for effectually securing the Payment of the Annuities by this Act to be granted for the pious Purposes aforesaid, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them, by any Writing under their Hands and Seals from time to time to make, or cause to be made, an Assessment or Assessments on all Lands, Houses, Tenements, and Hereditaments within the said Parish, so as the same do not exceed in the whole Six Pence in the Pound in any One Year of the yearly Rent of such Lands, Houses, Tenements, and Hereditaments, as the same shall be ascertained and rated by the Land Tax: And they are hereby authorized and required to order and direct the Receivers and Collectors so to be chosen and appointed as aforesaid for the time being, to collect quarterly from the Owners and Occupiers of such Lands, Houses, Tenements, and Hereditaments, such Rates and Sums of Money so to be assessed as aforesaid; Two third Parts of which Rates and Assessments shall be paid by the Landlords or Owners, and the other Third Part by the Tenants or Occupiers of such Lands, Houses, Tenements, and Hereditaments, and which said Tenants and Occupiers shall and may deduct and retain out of the Rents payable to the Landlords and Owners of the same Premisses the said Two third Parts of such Rate or Assessment so to be made and collected as aforesaid; and the said Landlords (mediate or immediate) according to their respective Interests are hereby required to allow to such Tenants such Deductions and Payments accordingly; and every Tenant paying any such Rate or Assessment for or upon the Landlord's Account, shall be acquitted and discharged for so much Money as the same shall amount unto, as fully and effectually as if the same had been actually paid to any such Landlord or Landlords, or other Person or Persons to whom his or her Rent was or should have been paid or payable; and the Money arising or being due from such Rates or Assessments shall be levied, accounted for, paid, and applied in such Manner and for such Purposes, as the other Rates and Duties herein before by this Act directed to be raised and levied are appointed to be levied, accounted for, paid, and applied. Proportion of Payment betwixt Landlord and Tenant.

Houses let out in Lodgings how to pay.

XV. Provided always, That in case any House or Tenement shall be set, let, or occupied in different Appartments, Rooms, or Lodgings, to or by distinct or separate Families, Lodgers, or Inmates, the whole House or Tenement so let and occupied shall be charged with the whole Rate assessed, or to be collected for or in respect of the same; and in case of Non-payment shall and may be levied upon any of the Inhabitants or Occupiers of any Part or Parts of such House or Tenement, in such and the same Manner as the other Duties directed by this Act to be raised are appointed to be levied.

Funeral Rates, if Occasion requires, chargeable with the Annuities.

XVI. And be it further enacted by the Authority aforesaid, That in case the Monies arising by the Rates, Duties, and Assessments herein before directed to be raised and levied shall not be sufficient to answer the Annuities the said Trustees are hereby impowered to grant for the Purposes of this Act, it shall and may be lawful to and for the said Trustees, or any Seven or more of them, at any Time so long as any Annuities granted by this Act shall continue to be paid, if they shall think fit, to apply all or any Part of the Monies

arising or to arise by such of the several Funeral Rates and Duties as are payable to and for the Use of the said Parish, specified in the Table of Fees herein before mentioned, to and for the Payment and Discharge of any of the Annuities to be granted in pursuance of this Act; which said Funeral Rates and Duties so payable as aforesaid are hereby declared to be vested in the said Trustees for such Time as any of the said Annuities shall continue to be paid as aforesaid, and shall be collected and paid in such Manner, and to and by such Person or Persons, as the said Trustees, or any Seven or more of them, shall appoint to collect and receive the same, who shall be subject and liable to the several Penalties and Forfeitures herein before imposed for not collecting, levying, accounting for, and paying over the same, in the Manner and Form before prescribed; but in case the said Trustees shall not think proper to apply the Monies arising from the said Funeral Rates and Duties as aforesaid, then the same shall be collected, paid, and applied, in the same Manner, and to the same Uses and Purposes they were or might be applied to before the passing of this Act; any thing herein contained to the contrary thereof notwithstanding.

Annuitants may distrain for Arrears.

XVII. And be it further enacted by the Authority aforesaid, That the several Rates, Duties, and Assessments herein directed to be collected, levied, and paid, shall be charged and chargeable with and for the Payment of the said Annuities, and all Arrears thereof from time to time, and shall vest in the Annuitants upon Default of Payment of such Annuities, until the same shall be fully paid and satisfied together with Interest and the Cost and Charges occasioned by the Non-payment of the same; and the said Annuitants, in case there shall be any Arrear of the said Annuities, and until full Payment thereof with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of collecting, assessing, distraining, and levying the said Rates, Duties, and Assessments, payable by virtue of this Act, as the said Trustees, their Collectors and Receivers, or any of them, could have had in case the said Annuities had been regularly and fully paid and satisfied.

The Rights of St. *John's* Parish not prejudiced hereby. 6 *Geo.* II. *c.* 11.

XVIII. Provided, That nothing in this Act contained shall extend, or be construed to extend, to prejudice any Right, Title, or Interest, the Parish of Saint John in the said Borough of Southwark hath to any Burial Fee or Fees arising by the Use of Palls or otherwise by virtue of an Act passed in the Sixth Year of the Reign of His present Majesty, intituled, An Act for providing a Maintenance for the Minister of the new Church of *Horsleydown*, in the Borough of *Southwark*, in the County of *Surrey*, and for making the District assigned to the same a distinct Parish, and for other Purposes therein mentioned.

Payment of the Rates not to intitle Persons to Settlements.

XIX. Provided always, and it is hereby enacted and declared, That the Payment of the Rates, Duties, and Assessments directed to be raised and levied by this Act, shall not intitle any Person or Persons whatsoever to a Settlement in the said Parish of Saint Olave, who was not before such Payment legally intitled to such Settlement in the said Parish.

Collectors may inspect the Land Tax Books in order to ascertain the Rates.

XX. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Receivers and Collectors to be appointed pursuant to this Act, at all convenient Times to inspect the Books of Assessments of the Land Tax for the said Parish, in order to ascertain the Rates and Assessments to be raised and levied by virtue of this Act, and to take Copies thereof at the Expence of the said Trustees.

Number of Trustees, when reduced to 20, to be increased.

XXI. And be it further enacted by the Authority aforesaid, That from time to time and at all Times hereafter during the Continuance of this Act as the Number of the said Trustees appointed by this Act, or hereafter to be elected in pursuance thereof, shall be reduced to Twenty, it shall and may be lawful for the surviving Trustees, or any Nine or more of them, by any Writing or Writings under their Hands and Seals to nominate, elect, and appoint, other fit and able Person or Persons, either Landlord or Tenant, to be Trustees with them for the Purposes of this Act.

Interested Persons not to be Trustees.

XXII. Provided always, That if any Person chosen or appointed a Trustee for the Purposes of this Act shall undertake any Part of the Building of the said new intended Church, or have any Share or Interest in any Contract relating thereto, every such Person shall from thenceforth be utterly disabled and disqualified from acting in the said Trust; and that no Trustee herein before named or hereafter to be appointed as aforesaid (other than those intitled to be Trustees by virtue of their Offices or Stations as aforesaid) shall act in the Execution thereof, but during such Time as they shall respectively pay, or be liable to pay, either as Landlord or Tenant, for Twenty Pounds a Year towards the Rates and Assessments aforesaid.

Rates to cease at the Determination of the Annuities.

XXIII. And be it further enacted by the Authority aforesaid, That from and after the Determination of all the said Annuities the Rates and Assessments hereby directed to be raised and levied by a Pound Rate upon the Inhabitants of the said Parish shall absolutely cease and determine; and the several Rates and Duties arising from Palls by virtue of this Act shall continue to be levied and paid notwithstanding the Determination of the said Annuities, and shall from thenceforth be vested in and paid to the Churchwardens of the said Parish for the time being, and be applied towards the Support and Repair of the said Church and Steeple thereunto belonging, and such other Parochial Uses to which they were applied before the passing of this Act; any Statute, Law, Usage, or Custom, or any Thing herein contained to the contrary notwithstanding.

Trustees may dispose of the Materials of the Church.

XXIV. And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall have full Power and Authority, and they are hereby authorized and impowered, to sell and dispose of the Materials of the said Church (if they shall so think fit) to such Person or Persons as shall be willing to purchase the same; and the Money arising by such Sale shall be applied to the Purposes of this Act, and to no other Purposes whatsoever.

Book of Accounts to be kept,

XXV. And be it further enacted by the Authority aforesaid, That the said Trustees shall take care to have all Receipts, Payments, Debts, Credits, and Contracts, made with or by the Artificers and Workmen employed, or to be employed, in or about the rebuilding of the said Church, and repairing the Steeple and Premisses, or any way relating thereunto, and all other their Proceedings, to be fairly written and entered in One or more Book or

Books to be kept for that purpose; and by or out of the Monies arising from all or any of the Rates, Duties, or Assessments to be made or levied as aforesaid, or by or out of any Sum or Sums of Money which shall come to their or any of their Hands, or to the Hands of any Receiver or Receivers to be by them appointed, shall pay and satisfy, or cause to be paid or satisfied, unto the Artificers and Workmen to be employed in and about the Rebuilding of the said Church, and repairing the Steeple and Premisses, all Sums of Money which shall be justly due to them or any of them for the same.

XXVI. And it is hereby further enacted and declared by the Authority aforesaid, That all Books of Accounts concerning Receipts, Payments, Credits, and Contracts, shall from time to time and at all convenient times be open to the Inspection and Perusal of any Person or Persons who shall pay any Rates or Assessments by virtue of this Act. to be inspected by any Person that pays the Rates.

XXVII. And be it further enacted by the Authority aforesaid, That the said Trustees shall and are hereby required to meet at the Vestry Hall of the said Parish on the Twenty ninth Day of June, One thousand seven hundred and thirty seven, at Ten of the Clock in the Forenoon; and they are hereby impowered to adjourn themselves from time to time as they shall see Occasion, or to meet at any time without Adjournment, giving Three Days Notice of such Meetings. Trustees when and where to meet.;

XXVIII. And be it further enacted, That the said Trustees shall at all Meetings to be had in pursuance of this Act defray their own Charges and Expences. to defray their own Charges.

XXIX. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall authorize and impower the said Trustees, or the Receivers or Collectors to be by them appointed as aforesaid, or any of them, to charge the Burying-ground belonging to Guy's Hospital with any of the said Rates, Duties, or Assessments; but that the Trustees of the said Hospital shall and may be at Liberty to bury their Dead, dying within the said Hospital, in the said Burying-ground belonging to the said Hospital, without paying any Funeral Rates and Duties, as they did before the passing of this Act, and in the same Manner as if this Act had never been made. Burying-ground of *Guy's* Hospital not hereby chargeable.

XXX. And be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall be buried within the Walls of the said Church or Steeple, or within the Chancel thereof; any Law, Usage, or Custom to the contrary notwithstanding. No Person to be buried in the Church or Chancel.

XXXI. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, every such Suit or Action shall be commenced within Six Calendar Months after the Fact is committed, and be brought and tried in the City of London, or County of Surrey, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to be so done, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall or may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

XXXII. And it is hereby further enacted and declared, That this Act shall be deemed and taken to be a publick Act, and all Judges, Justices, and other Persons, are to take Notice thereof as such in all Courts and Places whatsoever, without specially pleading the same. Publick Act.

CAP. XIX.

An Act for the more effectual preventing the unlawful playing of Interludes within the Precincts of the Two Universities, in that Part of *Great Britain* called *England*, and the Places adjacent, and for explaining and amending so much of an Act passed in the last Session of Parliament, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof*, as may affect the Privilege of the said Universities, with respect to licensing Taverns, and all other Publick Houses within the Precincts of the same.

WHEREAS the Letters Patent of King *Henry* the Eighth, made and granted unto the Chancellor and Scholars of the University of *Oxford*, bearing Date the First Day of *April*, in the Fourteenth Year of his Reign; and the Letters Patent of Queen *Elizabeth*, made and granted unto the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date the Twenty fifth Day of *April*, in the Third Year of her Reign; and also all other Letters Patent by any of her Progenitors or Predecessors made to either of the corporated Bodies of the said Universities, and all manner of Liberties, Franchises, Immunities, Quietances, and Privileges, View of Frank Pledge, Law Days, and other Things, whatsoever they were, the which either of the said corporated Bodies of the said Universities had held, occupied, or enjoyed, or of Right ought to have had, used, occupied, and enjoyed, were by Authority of Parliament in the Thirteenth Year of her Reign, confirmed to the Chancellor, Masters, and Scholars of either of the said Universities, and their Successors, for the great Love and Favour that her said Majesty bore towards her said Universities, and for the great Zeal and Care that the Lords and Commons had for the Maintenance of good and godly Literature and the virtuous Education of Youth within either of the said Universities; and to the Intent that the ancient Privileges, Liberties, and Franchises of either the said Universities, granted, ratified, and confirmed by the Queen's Highness, and her most noble Progenitors, might be had in greater Estimation, and be of greater Force and Strength, for the better Increase of Learning and the further Suppressing of Vice: And whereas Doubts have arisen or may arise, whether by any of the said Letters Patent, Liberties, Franchises, Immunities, or Privileges, or by any subsequent Charter or Charters, or by the Laws and Statutes of this Realm, the Chancellor of either of the said Universities, or the Vice Chancellor thereof, or his Deputy, or any other Person or Persons, be sufficiently impowered to correct, restrain, or suppress common Players of Interludes, settled, residing, or inhabiting within the Precincts of either of the said Universities, and not wandering abroad: And whereas the Erection of any Playhouse within the Precincts of either of the said Universities or Places adjacent may be attended with great Inconveniencies; **may it please Your most Excellent Majesty that it may be enacted, and be it** Preamble.

it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Perſons whatſoever who ſhall for Gain in any Playhouſe, Booth, or otherwiſe, exhibit any Stage Play, Interlude, Shew, Opera, or other Theatrical or Dramatical Performance, or act any Part or aſſiſt therein, within the Precincts of either of the ſaid Univerſities, or within Five Miles of the City of Oxford, or Town of Cambridge, ſhall be deemed Rogues and Vagabonds, and that it ſhall and may be lawful to and for the Chancellor of either of the ſaid Univerſities, or the Vice Chancellor thereof, or his Deputy reſpectively, to commit any ſuch Perſon to any Houſe of Correction within either of the Counties of Cambridge or Oxford reſpectively, there to be kept to hard Labour for the Space of One Month, or to the common Gaol of the City or County of Oxford, or Town or County of Cambridge reſpectively, there to remain without Bail or Mainprize for the like Space of One Month, any Licence of the Chancellor, Maſters, and Scholars of either of the ſaid Univerſities of Oxford or Cambridge, or any thing herein or in any other Statute, Law, Cuſtom, Charter, or Privilege to the contrary notwithſtanding.

Stage Players acting within 5 Miles of either Univerſity to be treated as Vagabonds, &c.

II. And whereas by an Act made in the Seventh Year of the Reign of King *Edward* the Sixth, which prohibits all Perſons not licenſed according to the Direction of the ſaid Act to ſell Wine by Retale, and permits no more than Three Taverns or Wine Sellers in the City of *Oxford*, and Four Taverns or Wine Sellers in the Town of *Cambridge*, it was provided, That the ſaid Act, or any Thing therein contained ſhould not in any wiſe be prejudicial or hurtful to any of the Univerſities of *Oxford* and *Cambridge*, or to the Chancellor or Scholars of the ſame, or their Succeſſors, or any of them, to impair or take away any of the Liberties, Privileges, Franchiſes, Jurisdictions, Powers, and Authorities to them, or any of them appertaining or belonging, but that they and every of them, and their Succeſſors might have, hold, uſe, and enjoy, all their Liberties, Privileges, Franchiſes, Jurisdictions, Powers, and Authorities, in ſuch large and ample wiſe, as though the ſaid Act had never been had ne made, ſo always, that there ſhould not be any more or greater Number of Taverns kept or maintained within any of the ſaid Towns of *Oxford* or *Cambridge*, than might be lawfully kept and maintained by the Proviſion, true Meaning and Intent of the ſaid Statute: And whereas by an Act made in the Twelfth Year of the Reign of King *Charles* the Second, intituled, *An Act for the better ordering the Selling of Wines by Retale, and for preventing Abuſes in the mingling, corrupting, and vitiating of Wines, and for ſetting and limiting the Prices of the ſame*, it was provided, That the ſaid Act nor any thing therein contained ſhould not in any wiſe be prejudicial to the Privilege of the Two Univerſities of this Land, or either of them, nor to the Chancellors or Scholars of the ſame, or their Succeſſors, but that they might uſe and enjoy ſuch Privileges, as theretofore they had lawfully uſed and enjoyed: And whereas by an Act made in the Ninth Year of the Reign of Queen *Anne*, for charging certain new Duties on ſtampt Vellum, Parchment, and Paper, and for other Purpoſes, whereby amongſt other Things ſeveral Duties therein expreſſed are directed to be paid for every Piece of Vellum or Parchment, or Sheet, or Piece of Paper, on which ſhall be engroſſed or written any Licence for retaling of Wine, or for ſelling of Ale, Beer, or other exciſeable Liquors by Retale, it was provided, That nothing in the ſaid Act contained ſhould extend or be conſtrued to extend to prejudice any Right the Two Univerſities of *Oxford* and *Cambridge*, or either of them had, or claimed to have, to the licenſing any Taverns, Inns, or Alehouſes, within their ſeveral Jurisdictions, but that the ſaid Univerſities might, from time to time, grant Licences for any Taverns, Inns, and Alehouſes, within their ſeveral Juriſdictions, ſubject to the ſeveral Duties aforeſaid, in as ample Manner as they reſpectively might lawfully have granted the ſame, if the ſaid Act had never been made: And whereas by an Act made in the Twelfth Year of the Reign of Her ſaid Majeſty Queen *Anne*, intituled, *An Act to enable ſuch Officers and Soldiers as have been in Her Majeſty's Service during the late War, to exerciſe Trades, and for Officers to account with their Soldiers*, it was provided, That neither the ſaid Act, nor an Act made for the like Purpoſe in the Tenth and Eleventh Years of King *William* the Third, ſhould in any wiſe be prejudicial to the Privileges of the Univerſities of *Cambridge* and *Oxford*, or either of them, or extend to give Liberty to any Perſon to ſet up the Trade of a Vintner, or to ſell any Wine or other Liquors within the ſaid Univerſities, without Licence firſt had and obtained from the Vice Chancellors of the ſame reſpectively: And whereas by an Act made in the laſt Seſſion of Parliament, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licenſing the Retalers thereof*, it was enacted, That from and after the Twenty ninth Day of *September*, One thouſand ſeven hundred and thirty ſix, any Perſon or Perſons, who had followed and exerciſed the Art or Buſineſs of Diſtillation for Seven Years then laſt paſt, or had ſerved or on the Twenty fifth Day of *March*, One thouſand ſeven hundred and thirty ſix, were ſerving any Apprenticeſhip to the ſame, ſhould and might have full Liberty and Authority to exerciſe or follow any other Trade, Art, Buſineſs, or Manufacture in any City, Town, or Place within that Part of *Great Britain* called *England*; any Law, Charter, Grant, Cuſtom, or Uſage to the contrary notwithſtanding: And whereas ſince the making of the ſaid laſt mentioned Act, and under Colour thereof, Perſons not licenſed by the Chancellor, Maſters, and Scholars of the ſaid Univerſity of *Cambridge*, or by the Chancellor or Vice Chancellor of the ſaid Univerſity of *Oxford*, have exerciſed and followed, or may exerciſe and follow, in the ſaid City of *Oxford* and Town of *Cambridge*, the Trades of Vintners or Wine Sellers, and much Evil-rule and Diſorder may be practiſed in Taverns not ſo licenſed, to the great Annoyance of the ſaid Chancellors, Maſters, and Scholars, and Corruption of the Youth educated in the ſaid Univerſities; **be it further enacted by the Authority aforeſaid, That from and after the Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſeven, nothing in the ſaid laſt mentioned Act contained ſhall extend or be conſtrued to extend to prejudice the Right which the Chancellor, Maſters, and Scholars of the ſaid Univerſity of** Cambridge, **or the Chancellor or Vice Chancellor of the ſaid Univerſity of** Oxford, **in Right of the ſaid Univerſity of** Oxford **reſpectively, claim of licenſing Taverns and other Publick Houſes within the Precincts of either of the ſaid Univerſities; but that the ſaid Chancellor, Maſters, and Scholars of the ſaid Univerſity of** Cambridge, **and the Chancellor and Vice Chancellor of the ſaid Univerſity of** Oxford, **in Right of the ſaid Univerſity of** Oxford **reſpectively, ſhall and may uſe and enjoy the ſaid Right, as fully and freely as they might have uſed and enjoyed the ſame, if the ſaid Act had not been made; any thing in the ſaid Act contained to the contrary thereof in any wiſe notwithſtanding.**

Act 7 *Edw.* VI. *cap.* 5.

12 *Car.* II. *cap.* 25.

9 *Annæ. cap.* 23.

12 *Annæ. ſtat.* 1 *cap.* 13.

10&11 *W.* III.

9 *Geo.* II. *cap.* 23.

Act 9 *Geo.* II. not to affect the Privileges of the Univerſities.

Diſtillers.

III. **Provided always, That all and every Perſon and Perſons who have followed and exerciſed the Art or Buſineſs of Diſtillation for Seven Years before the Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſix, or have ſerved or on the Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty ſix, were ſerving any Apprenticeſhip**

ticeſhip to the ſame, and who ſince the ſaid Twenty ninth Day of September, One thouſand ſeven hundred and thirty ſix, have exerciſed or followed in the ſaid Town of Cambridge the Trades of Vintners or Wine Sellers, without the Licence of the Chancellor, Maſters, and Scholars of the Univerſity of Cambridge, ſhall have full Liberty and Authority to exerciſe or follow the ſaid Trades of Vintners or Wine Sellers in the ſaid Town of Cambridge, ſo as they and every of them on or before the Twenty fourth Day of June next following, take out ſuch Licences, paying their Proportion for the ſame of the Money uſually and and annually paid by the Vintners or Wine Sellers now licenſed by the ſaid Chancellor, Maſters, and Scholars, and upon ſuch Terms, and ſubject to ſuch Regulations, Conditions, Reſtrictions, and Power of Revocation, as the ſaid Vintners or Wine Sellers ſo licenſed as aforeſaid are ſubject to; any thing in this Act contained to the contrary notwithſtanding.

and Wine Sellers may follow their Trades upon taking out Licences.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall not be lawful for the ſaid Chancellor or Vice Chancellor of the ſaid Univerſity of Oxford, or any other Officer of that Body, to receive or take, directly or indirectly, any Fee, Perquiſite, Gratuity, or Reward, for granting ſuch Licences, as aforeſaid; nor ſhall any Sum of Money, Fee, Gratuity, or Reward be hereafter paid to any Perſon or Perſons for or in reſpect of ſuch Licences, other than ſuch annual Payments in like Manner, and to the like Uſes, as have been uſual in the Univerſity of Cambridge; any Law or Cuſtom to the contrary notwithſtanding.

No Fee to be taken for Licences.

V. Provided always, That this Act, or any thing herein contained, ſhall not in any wiſe be conſtrued to prejudice or confirm any of the Liberties, Privileges, Franchiſes, Juriſdictions, Powers, and Authorities appertaining or belonging to the Mayor, Bailiffs, and Commonalty of the City of Oxford, or to any of them, but that they and every of them, and their Succeſſors, may have, hold, uſe, and enjoy all their Liberties, Privileges, Franchiſes, Juriſdictions, Powers, and Authorities, in ſuch large and ample wiſe as though this preſent Act had never been had or made.

This Act not to affect the Privileges of the City of *Oxford*.

VI. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Publick Act.

CAP. XX.

An Act to enable the Magiſtrates and Town Council of the Burgh of *Lanark*, to repair and maintain their Bridge over the River *Clyd* at *Clydſhom*, in the Shire of *Lanark*.

WHEREAS by an Act paſſed in the Parliament of *Scotland* the Thirtieth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and three, intituled, *An Act in Favours of the Burgh of* Lanark, reciting that the Burgh of *Lanark* had been at a vaſt Expence in building a Bridge over the River *Clyd*, and that by Reaſon of the great Repair, and the violent Current of the Water, it would require frequent Reparations, which the Magiſtrates of the ſaid Burgh were unable to do, it was enacted, That for enabling the ſaid Magiſtrates to maintain the ſaid Bridge, the ſeveral Tolls therein mentioned ſhould be granted to the Magiſtrates of the ſaid Burgh for the Space of Nineteen Years: And whereas the ſaid Bridge hath been, and ſtill is, of ſo great Uſe and Service to the neighbouring Country in general, that notwithſtanding the Term granted by the ſaid Act expired in the Year One thouſand ſeven hundred and twenty two, yet the ſaid Tolls have been voluntarily paid, till of late that ſome Perſons have refuſed to pay the ſame: And whereas the annual Expence of keeping the ſaid Bridge in Repair exceeds the yearly Income of the Tolls granted by the ſaid Act, and the maintaining and keeping in Repair the ſaid Bridge will be attended with a conſtant Charge and Expence to the ſaid Town: And whereas the Magiſtrates of the ſaid Burgh of *Lanark* are unable to repair and ſupport the ſame (their Debts being already ſo large and the Circumſtances of the Community ſo low) unleſs the ſaid former Act be revived, and the Term and Tolls thereby granted continued and enlarged; may it therefore pleaſe Your moſt Excellent Majeſty, upon the humble Petition of the Magiſtrates and Town Council of the ſaid Burgh of Lanark, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That for the better enabling the Magiſtrates and Town Council of Lanark for the time being to repair and keep in Repair the ſaid Bridge, there ſhall be paid to the ſaid Magiſtrates and Town Council of the ſaid Burgh of Lanark, and their Succeſſors, or to ſuch Perſon or Perſons as they ſhall from time to time nominate and appoint, for Pontage, or in Name of Toll, before any Paſſage over the ſaid Bridge ſhall be permitted, the ſeveral Sums following; videlicet,

Preamble.

Tolls.

For every Coach or Chariot, drawn by Four or more Horſes, Six Pence Sterling.
For every Cart, Carr, or other Wheel Carriage, Two Pence Sterling.
For every Sledge, and for every Horſe loaded or unloaded, One Peny Sterling.
For every Ox, Cow, or Bull, Two third parts of a Peny Sterling.
For every Calf, Hog, Sheep, or Lamb, One ſixth part of a Peny Sterling.
For every Foot Paſſenger One ſixth part of a Peny Sterling.

Which ſaid reſpective Sums of Money, ſhall and may by the Authority of this preſent Act be demanded and taken in Name of Pontage, or as a Toll or Duty, before any Coach, Chariot, Cart, Carr, Wheel Carriage, Sledge, Horſe, Ox, Cow, Bull, Hog, Sheep, Lamb, or Paſſenger, be permitted to paſs over the ſaid Bridge; and the Monies ſo to be taken and received as aforeſaid are hereby veſted in the Magiſtrates and Town Council of Lanark; and the ſame and every Part thereof ſhall be from time to time paid, applied, and diſpoſed of (the reaſonable Charge expended in or about the obtaining or paſſing this Act being firſt deducted) for and towards amending, and repairing, and keeping in Repair the ſaid Bridge, as aforeſaid; and the Magiſtrates and Town Council, and their Succeſſors, and the Collector or Collectors to be by them appointed, are hereby authorized and impowered to hinder all Coaches, Chariots, Carts, Carrs, Wheel Carriages, Sledges, Horſes,

The Monies in whom veſted, and how to be applied.

Horſes, Oxen, Cows, Bulls, Hogs, Sheep, Lambs, or Paſſengers, to paſs the ſaid Bridge, unleſs Payment be made of the ſeveral Tolls above mentioned.

This Act to be in Force for 31 Years.

II. And be it further enacted by the Authority aforeſaid, That this Act, and all the Tolls hereby laid and made payable, and the Powers hereby given and granted, ſhall take Place and have Continuance from and after the Second Day of Auguſt, One thouſand ſeven hundred and thirty ſeven, for and during the Term of Thirty One Years.

Publick Act.

III. And be it further enacted by the Authority aforeſaid, That this Act ſhall be adjudged, deemed, and taken to be a publick Act, and be judicially taken Notice of as ſuch by all the Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXI.

An Act for making the Chapel in the Hamlet of *Abthorpe* and *Foxcoate*, in the Pariſh of *Towceſter*, in the County of *Northampton*, a Pariſh Church, and for appointing a Diſtrict or Pariſh thereto, and for enabling the Maſter of the Free Grammar School within the ſaid Hamlet of *Abthorpe* and *Foxcoate* to be Vicar of the ſaid Pariſh Church.

Preamble, reciting certain Donations given to the Hamlet of *Abthorpe* and *Foxcoate*.

WHEREAS the Pariſh of *Towceſter* in the County of *Northampton* is of large Extent and very populous, and conſiſts of ſeveral Hamlets and Inſhips which lie at a great Diſtance, and hath therein only one Pariſh Church, that is to ſay, the Church of Saint *Lawrence*, of which the Right Reverend Father in God *Richard* Lord Biſhop of *Litchfield* and *Coventry* is the preſent Patron, which ſaid Pariſh Church is Two Miles diſtant from the Hamlet of *Abthorpe* and *Foxcoate*, in the ſaid County of *Northampton*, in which there is a Chapel of Eaſe, wherein the Vicar of *Towceſter* aforeſaid performs Divine Service once a Month, by reaſon of the great Diſtance from the ſaid Pariſh Church, the Inhabitants thereof (who are about Four hundred Souls) cannot in the Winter Time attend the Hearing of Divine Service at the Pariſh Church of *Towceſter*: And whereas *Thomas Nicoll*, late Citizen and Upholder in *London*, did in and by his laſt Will and Teſtament in Writing bearing Date the Fifteenth Day of *Auguſt*, in the Year of our Lord One thouſand ſeven hundred and twenty ſix, charge and ſubject his Meſſuage, Farm, and Lands in *Denſhanger*, in the Pariſh of *Paſſenham*, in the ſaid County of *Northampton*, with and for the Payment of the annual Sum of Thirteen pounds four ſhillings of lawful Money of *Great Britain*, for ever, free and clear from all Taxes and Deductions whatſoever; and his Will and Meaning was, that Two pounds ten ſhillings, Part of the ſaid Sum of Thirteen pounds four ſhillings ſhould be yearly and every Year laid out in Peny Loaves of Bread, which he ordered and directed to be diſtributed as follows; *videlicet*, Twelve of the ſaid Loaves, on every *Friday* Morning after Prayers, to Twelve ancient poor People of *Abthorpe* and *Foxcoate* aforeſaid, as long as Divine Service ſhould be uſed and continued in the ſaid Church on *Wedneſdays*, *Fridays*, and Holidays, and ſo long as the Miniſter for the time being of the ſaid Town of *Abthorpe* and *Foxcoate* ſhould preach there every *Sunday* Morning, and read the Common Prayers appointed by Authority for that Purpoſe, and catechize the poor Children of the ſaid Town upon every *Sunday* in the Afternoon throughout the Year, and ſhould duly adminiſter the Holy Sacrament of the Lord's Supper in the Church, at leaſt Six Times in every Year, that is to ſay, The Three great Feſtivals of the Church, the Firſt *Sunday in Lent*, the Sixth *Sunday* after *Trinity Sunday*, and *Advent Sunday*; and whenever Prayers ſhould be diſcontinued in the ſaid Pariſh on the ſeveral Days aforeſaid, or any of the ſeveral Particulars above mentioned ſhould continue to be omitted, then his Will was, That from thenceforth the ſaid Bread intended for the Poor as aforeſaid ſhould ceaſe; and his Will and Mind was, That two pounds ten ſhillings, other Part of the ſaid Sum of Thirteen pounds four ſhillings, ſhould be yearly and every Year paid to the Pariſh Clerk of the ſaid Town of *Abthorpe*, under the Reſtrictions above named, and ſubject to the Proviſoes therein after mentioned; and reciting, that he was intitled to Six hundred pounds in the *South Sea* Annuities, he gave Two hundred pounds, Part of his Share in the ſaid Annuities, for and towards procuring Two hundred pounds more, being commonly called *Queen* Anne's Money, to be applied for the increaſing of the Value of the Living of *Abthorpe* and *Foxcoate* aforeſaid, upon Condition that the ſaid Town and Village of *Abthorpe* and *Foxcoate* ſhould, within Three Years next after his Deceaſe, or within Three Years next after the Reverend Mr. *Palmer*, the then Incumbent, ſhould quit the ſame, become a diſtinct Pariſh from the Town of *Towceſter* aforeſaid; and in caſe the ſaid Town of *Abthorpe* and *Foxcoate* ſhould become a diſtinct Pariſh within the Time and Times limited as aforeſaid, then he gave and bequeathed Twenty Guineas towards the buying Communion Plate for the Uſe and Service of the ſaid Church; and his Intent and Meaning was, That the Two ſeveral Sums of Two pounds ten ſhillings for Bread for the Poor of the ſaid Pariſh, and Two pounds ten ſhillings for the Pariſh Clerk of the ſaid Town, ſhould ceaſe and not be paid, unleſs *Abthorpe* and *Foxcoate* ſhould within the time or times above limited become a diſtinct and ſeparate Pariſh from the Town of *Towceſter* as aforeſaid: And whereas *Jane Leeſon*, heretofore of *Abthorpe* aforeſaid, Spinſter, did found a Free School in the ſaid Town of *Abthorpe*, and, for the Endowment thereof, did by her laſt Will and Teſtament in Writing bearing Date the Twenty ſeventh Day of *May*, in the Year of our Lord One thouſand ſix hundred and forty ſix, give and deviſe all that her capital Meſſuage or Tenements, Cloſes, Lands, Meadows, and Hereditaments, with their Appurtenances, in *Abthorpe* and *Foxcoate* aforeſaid, to her honoured Friends, Sir *William Farmer* of *Eſton* in the County of *Northampton*, Baronet, Sir *Richard Samuel* of *Upton* in the ſaid County of *Northampton*, Knight, *John Crew* of *Steane*, Eſquire, *Edward Harby* of *Adſon* in the County of *Northampton*, Eſquire, *Richard Triſt* of *Maydford* in the County aforeſaid, Eſquire, *John Matthew* of *Bradden* in the County aforeſaid, Eſquire, *George Browne* of *Helmedon* in the County aforeſaid, Gentleman, *Lawrence Carter* of *Paulers-pury* in the ſaid County, Gentleman, *Richard Weſton* of the Town and County aforeſaid, Gentleman, and *Richard Winckles* of *Field Burcott* in the County aforeſaid, Yeoman, and to their Heirs and Aſſigns, in Truſt, that the ſaid Sir *William Farmer*, Sir *Richard Samuel*, *John Crew*, *Edward Harby*, *Richard Triſt*, *John Matthew*, *George Browne*, *Lawrence Carter*, *Richard Weſton*, and *Richard Winckles*, and their Heirs and Aſſigns, ſhould from and after the Death of the ſaid *Jane Leeſon* hold and enjoy the ſaid Premiſſes, and receive and take the Rents, Iſſues, and Profits thereof for ever, to and for the ſeveral Uſes, Intents, and Purpoſes in and by her ſaid Will mentioned, expreſſed, and declared, and particularly, that her ſaid Feoffees and Truſtees aforenamed, and their Heirs and Aſſigns, ſhould pay unto a School Maſter to teach the poor Children of the ſaid Town *gratis*, the Sum of Eight pounds *per Annum* for ever, at the Two moſt uſual Feaſts in the Year, by equal Portions (*videlicet*) Four pounds at Saint *Michael* the Archangel, and Four pounds at the Annunciation of the Bleſſed Virgin *Mary*; and in and by her ſaid Will did appoint, That when it ſhould happen that her ſaid Friends and Truſtees aforeſaid

aforeſaid ſhould be all deceaſed, ſave Five or Six, that then thoſe Five or Six ſhould make a Feoffment of the ſaid Premiſſes to Five or Six honeſt and ſufficient Perſons, to hold the ſame unto the ſaid new Feoffees for the time being, and to their Heirs and Aſſigns, to the Uſe of them and the other ſurviving Truſtees and their Heirs, in Truſt for the charitable Uſes and Purpoſes aforeſaid; and that the ſame Feoffees and their Heirs and Aſſigns ſhould for ever continue the ſaid Premiſſes in Feoffment, and make new Feoffments thereof in like Manner to the Uſes aforeſaid, to the End that her charitable Gift might be continued to the World's End: And whereas by Indenture bearing Date the Twenty ſecond Day of *March*, One thouſand ſeven hundred and thirty five, and made or mentioned to be made between the Right Honourable *Thomas* Earl of *Pomfret*, the Honourable *Edward Montague* of *Weſtminſter*, Eſquire, Sir *Thomas Samuel* of *Upton* in the County of *Northampton*, Baronet, *Thomas Cartwright* of *Aynhoe* in the ſaid County, Eſquire, *John Blencowe* of *Marſton St. Lawrence* in the ſaid County, Eſquire, *Nathaniel Humfrey* Rector of *Thorp Mandeville* in the ſaid County, Doctor of Laws, and *Fermor Liſle* of *Evenly* in the ſaid County, Eſquire, the preſent Feoffees of ſeveral Lands and Tenements in *Abthorpe* in the ſaid County, given to charitable Uſes by the laſt Will and Teſtament of *Jane Leeſon* late of *Abthorpe* aforeſaid, Spinſter, deceaſed, of the one Part, and *Robert Porter* of *Abthorpe* aforeſaid, Clerk, of the other Part, in Conſideration of the Rents and Covenants therein after reſerved and contained, and for divers other good Cauſes and Conſiderations, they the ſaid *Thomas* Earl of *Pomfret*, *Edward Montague*, Sir *Thomas Samuel*, *Thomas Cartwright*, *John Blencowe*, *Nathaniel Humfrey*, and *Fermor Liſle*, did demiſe, grant, ſet, and to farm let, unto the ſaid *Robert Porter*, his Executors, Adminiſtrators, and Aſſigns, all that capital Meſſuage or Manſion Houſe ſituate and being in *Abthorpe* aforeſaid, commonly called and known by the Name of *Mrs. Jane Leeſon's Houſe*, and alſo all thoſe Cloſes or Grounds of Meadow and Paſture adjoining or belonging to the ſaid Manſion Houſe, and alſo all the Pieces, Parcels, or Plots of Arable, Meadow, and Paſture Ground lying diſperſed in the open and common Fields of *Abthorpe* aforeſaid, together with all and ſingular Houſes, Out-houſes, Edifices, Buildings, Barns, Stables, Orchards, Gardens, Yards, Backſides, Mounds, Fences, Free-boards, Hedges, Ditches, Ways, Waters, Eaſements, Paths, Paſſages, Hades, Bulks, Commons, and Common of Paſtures, Profits, Commodities, Hereditaments, and Appurtenances whatſoever, to the ſaid capital Meſſuage or Manſion Houſe belonging or in any wiſe appertaining, or accepted, reputed, taken, or known to be as Part, Parcel, or Member thereof, or of any Part thereof, and then in the Tenure or Occupation of the ſaid *Robert Porter*, his Aſſignee or Aſſigns (except out of the ſaid Leaſe unto the ſaid *Thomas* Earl of *Pomfret*, *Edward Montague*, Sir *Thomas Samuel*, *Thomas Cartwright*, *John Blencowe*, *Nathaniel Humfrey*, and *Fermor Liſle*, their Heirs or Aſſigns, one Houſe commonly called or known by the Name of *The School Houſe* or *Free School*, thentofore erected and built by the ſaid *Jane Leeſon*, and ſituate, and ſtanding, and being in *Abthorpe* aforeſaid, and one Room or Chamber in the ſaid capital Meſſuage or Manſion Houſe, commonly called and known by the Name of *The Great Chamber*, with free Liberty of Ingreſs, Egreſs, and Regreſs, to and for the ſaid *Thomas* Earl of *Pomfret*, *Edward Montague*, Sir *Thomas Samuel*, *Thomas Cartwright*, *John Blencowe*, *Nathaniel Humfrey*, and *Fermor Liſle*, their Heirs or Aſſigns, in and to the Room and Chamber aforeſaid, at their Wills and Pleaſures, and alſo all manner of Timber Trees, and Topping of all manner of other Trees whatſoever, then growing, or which hereafter ſhould be growing on the ſaid Premiſſes thereby demiſed, or any Part or Parcel thereof) To Hold unto the ſaid *Robert Porter*, his Executors, Adminiſtrators, and Aſſigns, from the Feaſt of Saint *Michael* the Archangel laſt paſt before the Date hereof, for the Term of Six Years from thence next enſuing, if the ſaid *Robert Porter* ſhould ſo long live, At the yearly Rent of Fifty ſeven Pounds Seventeen Shillings and Four Pence, payable half yearly, and at the additional yearly Rent of Five Pounds for every Acre of Greenſward that the ſaid *Robert Porter*, his Executors, Adminiſtrators, or Aſſigns, ſhall plow, ear, break up, or convert into Tillage of the Premiſſes thereby demiſed, and ſo in Proportion for every greater or leſſer Quantity than an Acre: And whereas the Inhabitants of the Hamlet of *Abthorpe* and *Foxcoate*, have for a long Courſe of Years provided for and maintained the Poor of the Pariſh of that Townſhip, diſtinctly from the Townſhip of *Towceſter*, by a ſeparate Levy and Aſſeſſment; and have had, for Time out of Mind, Conſtables, Overſeers of the Poor, and Chapel-wardens of their own, and Pariſh Officers choſen and appointed out of the Inhabitants of the ſaid Hamlet of *Abthorpe* and *Foxcoate*, who are not liable to or chargeable with the Pariſh Rates and Aſſeſſments raiſed and levied in the ſaid Pariſh of *Towceſter*, otherwiſe than the Vicar of *Towceſter* is intitled to the ſmall Tythes ariſing within the ſaid Hamlet of *Abthorpe* and *Foxcoate*: And whereas the Right Reverend Father in God *Robert* Lord Biſhop of *Peterborough*, the ſaid *Richard* Lord Biſhop of *Litchfield* and *Coventry*, the Truſtees of the ſaid *Jane Leeſon*'s Charity, and the Vicar, Churchwardens, and principal Inhabitants of the Town of *Towceſter*, are willing and deſirous, the ſaid Chapel of *Abthorpe* and *Foxcoate* may be made a Pariſh Church, and the Hamlet of *Abthorpe* and *Foxcoate* a ſeparate and diſtinct Pariſh from the reſt of the Pariſh of *Towceſter*, to the Intent that the charitable Donations ſo given for the Benefit of the Hamlet of *Abthorpe* and *Foxcoate* and the Inhabitants thereof may be preſerved and improved, and that the pious Intent of the Donors may not be defeated, *&c.*

CAP. XXII.

An Act for the better regulating the Nightly Watch and Bedels within the City of *London*, and Liberties thereof; and for making more effectual the Laws now in Being, for Paving and Cleanſing the Streets and Sewers in and about the ſaid City.

WHEREAS the well ordering and regulating a Watch in the Night time within the ſeveral Wards in the City of *London* is of very great Importance for the Preſervation of the Perſons and Properties of the Inhabitants thereof, and very neceſſary to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Diſorders: And whereas by the Laws now in Being no effectual Proviſion is made for the eſtabliſhing, ordering, or well governing of ſuch a Nightly Watch, or for levying and collecting any Sums of Money for defraying the neceſſary Charges thereof and of the Bedels who ſhall be appointed to take care of the ſame; for the effecting of which good Purpoſes for the future, and to the End that a due Application and juſt Account may be had and taken of the Money which ſhall hereafter be levyed and collected by Virtue of this Act for the Purpoſes aforeſaid, may it pleaſe Your moſt Excellent Majeſty, at the humble Petition and Deſire of the Mayor, Aldermen, and Commonalty of the City of London, in Common Council aſſembled, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Aldermen, and Commons of the ſaid City in Common Council aſſembled ſhall, and they are hereby impowered and required Preamble.

Common Council to determine the Number of Officers, and make Orders for the Nightly Watch,

required between the First Day of October, One thousand seven hundred and thirty seven, and the Twentieth Day of November next following, and so in every Year ensuing between the First Day of October and the Twentieth Day of November in each succeeding Year, to order and appoint what Number of Watchmen and Bedels they shall judge necessary and proper to be kept within each of the several Wards of the said City and the Liberties thereof, for one whole Year commencing from the Twenty fifth Day of December next ensuing the said Order; and shall then and there direct how they ought to be armed, how long they are to Watch, what Wages and Allowances shall be given to the said Watchmen and Bedels for their Attendance; and shall also order and direct what Number of Constables shall attend every Night in each respective Ward; and shall make all such other Orders and Regulations as the Nature of each particular Service shall seem to them to require.

and to appoint Rates,

II. And for the better raising and levying of Monies, for paying the Wages of the said Watchmen and Bedels and other Charges incident thereto, be it further enacted by the Authority aforesaid, That the Mayor, Aldermen, and Commons of the said City, in Common Council assembled, every Year as aforesaid, shall then and there and they are hereby authorized and impowered to determine and direct what Sum and Sums of Money shall be raised and levied upon each respective Ward for answering the Purposes aforesaid; and for raising the said several Sums of Money, to direct the Alderman, Deputy, and Common Council Men of each and every of the respective Wards in the said City of London and Liberties thereof, or the major Part of them, to make an equal Rate and Assessment upon all and every the Person and Persons who do or shall inhabit, hold, occupy, or enjoy any Land, House, Shop, Warehouse, or other Tenement, within their respective Wards (Regard being had in making the said Rate to the Abilities of, and likewise to the Rent paid by, the said several Inhabitants and Occupiers so to be rated and assessed) and the Alderman, Deputy, and Common Council Men of each Ward of the said City, or the major Part of them, are hereby authorized and required to make such Rate and Assessment for their respective Wards in such Manner and Form as shall be so directed by the said Court of Common Council; which said Rates or Assessments so to be made, and all Arrears due upon the same, shall be collected Quarterly from the several Inhabitants or Occupiers in each of the said several Wards by the several Constables for the time being of the several Precincts, or by the Bedels in each of the said respective Wards, as the Alderman, Deputy, and Common Council Men of each Ward, or the major Part of them, shall direct and appoint; and in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them, it shall and may be lawful to and for such Collector or Collectors by Warrant under the Hand and Seal of the Lord Mayor of the said City for the time being, or the Alderman of the Ward wherein the Premisses for which such Inhabitants or Occupiers shall be rated and assessed shall be situate (which Warrant the said Lord Mayor or Alderman is hereby authorized and required to grant upon Oath made before him by the said Collector or Collectors of the Party or Parties so refusing or neglecting to pay) to levy the same by Distress and Sale of the Goods and Chattels of the Party or Parties so neglecting or refusing; rendering to him, her, or them, the Overplus (if any be) the reasonable Charge of making the said Distress and Sale being first deducted; and for Want of such Distress by like Warrants to commit the Party or Parties so neglecting or refusing to one of the Compters of the said City for the Space of One Month, or until Payment thereof.

to be collected quarterly.

Distress on Nonpayment,

or Imprisonment.

Appeal in Case of Grievance.

III. Provided always, and it is hereby declared, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Rate and Assessment to be made as aforesaid, it shall and may be lawful for them respectively within the Space of Twenty Days after the Sum so rated and assessed shall be demanded, to appeal to the Court of Lord Mayor and Aldermen, whose Decision shall be final and conclusive.

Aldermen &c. of each Ward to make Orders and Regulations within their respective Wards.

IV. And be it further enacted by the Authority aforesaid, That the Alderman, Deputy, and Common Council Men of each Ward within the said City, or the major Part of them whereof the Alderman or Deputy to be one, shall within Fourteen Days after the Number of Watchmen shall have been so appointed as aforesaid, assemble at some convenient Place within their respective Wards yearly and every Year; and shall nominate and choose such honest and able-bodied Men, to be employed as Watchmen within their respective Wards, as they shall think best qualified for the Service; and shall then order, and set down in Writing, at what Stands it is fit for the said Watchmen to be placed, and in what Manner, and how often it shall be required of them to go their Rounds; and shall then make such other Orders and Regulations concerning the Watchmen and Bedels, as the Nature of each particular Service shall appear to them to require; and if any of the said Watchmen so by them appointed shall die within the Time for which they are appointed to serve, or shall be negligent in his or their Duty, or guilty of any Misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the Nominations, Appointments, Orders, or Regulations by them made, it shall and may be lawful for the respective Aldermen, by and with the Advice and Consent of their respective Deputies and the Common Council Men of each Ward being convened by due Notice, or the major Part of them who shall be there present, at any intermediate Times of the Year, to remove any of the said Watchmen so by them appointed, and to nominate and appoint One or more Person or Persons fitly qualified in the Room and Stead of him or them so dying, or of him or them who shall be removed for Misbehaviour as aforesaid; and also to make such further Orders and Regulations for the better Government and Direction of the said Watchmen and Bedels within their respective Wards, as they shall think proper: Provided, That such Orders and Regulations be not repugnant to the Regulations and Orders which shall be made by the Mayor, Aldermen, and Commons, in Common Council assembled.

V. And be it further enacted by the Authority aforesaid, That a true Copy or Transcript as well of all the Orders and Regulations made by the said Court of Common Council,

cil, as of all such Nominations, Appointments, Orders, and Regulations, as shall be so made from time to time as aforesaid for the better Direction and Government of the Watchmen and Bedels by the Aldermen, Deputies, and Common-council Men of the said respective Wards, shall be fairly written and signed by the Alderman or his Deputy, and the major Part of the Common-council Men of each Ward, and shall be delivered to all and every the Constables of the several Precincts within the said respective Wards; and that from and after the Twenty fifth Day of December, One thousand seven hundred and thirty seven, One or more of the said Constables of each of the said Wards, as shall be judged necessary by the said Court of Common-council to be held as aforesaid, shall attend every Night by Turns, and shall keep Watch and Ward within their respective Wards, in Manner following; that is to say, From the said Twenty fifth Day of December to the Tenth Day of March following, from the Hours of Nine in the Evening, till Seven the next Morning; and from thenceforth yearly and every Year the said Constables shall attend from the Tenth of March to the Tenth of September, from the Hours of Ten in the Evening till Five the next Morning; and from the Tenth of September to the Tenth of March, from Nine in the Evening till Seven the next Morning; and the said Constables shall in their several Turns or Courses of watching use their best Endeavours to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that End shall and they are hereby impowered and required to arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering or misbehaving themselves, and shall carry the Person or Persons who shall be so apprehended, as soon as conveniently may be, before One or more Justice or Justices of the Peace of and for the said City, to be examined and dealt with according to Law; and shall twice or oftner at convenient Times in every Night go about their respective Wards, and take Notice whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the Lord Mayor, Aldermen, and Commons of the said City in Common-council assembled, or by the Aldermen, Deputies, and Common-council Men of the respective Wards; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constables, or One of them, shall, as soon as conveniently may be, give Notice thereof to the Alderman, or his Deputy, for the time being, of the Ward to which such Watchman shall belong, to the End that the Alderman, Deputy, and Common-council Men may be forthwith summoned, for the Examination and Punishment of such Offence.

Copy of Orders, &c. to be given the Constables;

Their Charge.

VI. And be it further enacted by the Authority aforesaid, That if any of the said Constables shall wilfully neglect to attend any Night in his or their Turn, to keep Watch and Ward within their respective Wards, or shall not come to keep Watch or Ward at the respective Hours appointed by this Act for his and their Attendance thereon, or shall depart from or leave keeping Watch and Ward during the respective Hours appointed by this Act for the keeping the same, or shall neglect in any Night of his and their watching to go about his and their respective Wards twice at the least in each Night of his or their watching for the Purpose of this Act, or shall otherwise misbehave himself or themselves against the Duty prescribed to them by this Act, in each and every of the said Cases the Person or Persons so offending shall respectively forfeit the Sum of Twenty Shillings for every such Offence.

Penalty of 20 s. for Default.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them, in the Absence of the Constable, and they are also hereby authorized and required in their several Stations during the Time of their keeping Watch and Ward as aforesaid to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and all disorderly Persons whom they shall find disturbing the publick Peace, or shall have just Cause to suspect of any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable of the Night, who is hereby required to carry him, her, or them, as soon as conveniently may be, before One or more Justice or Justices of the Peace of the said City, to be examined and dealt with according to Law.

Watchmens Charge.

VIII. And be it further enacted, That if any of the Persons who shall from time to time be directed and appointed Collectors of the several Rates and Assessments to be made in pursuance of this Act, shall neglect or refuse to take upon him or them the said Office, or duly to execute the same according to the true Intent and Meaning of this Act, he or they shall respectively forfeit the Sum of Ten Pounds, and shall continue liable to be appointed into the said Office again the Year following; and in case of his or their Refusal they shall be again liable to the like Penalties, as often as he or they shall refuse to take upon him or them the said Office; and upon every such Refusal of any Person or Persons so to be appointed Collector or Collectors as aforesaid, to take upon him or them the said Office, or in case of Death after such Appointment, it shall and may be lawful for the Alderman, Deputy, and Common-council Men of such Ward, or the major Part of them, to direct and appoint any other Person or Persons inhabiting in such Ward, to be Collector or Collectors in the Room or Stead of such Person or Persons who shall so refuse to take upon him or them the said Office, or shall die after such Appointment; and in case such Person or Persons so directed and appointed shall refuse to take upon him or them the said Office, he or they shall be liable to the like Penalties as herein before are appointed for any Constable or Bedels, who shall refuse to take upon him or them the said Office.

10 l. Penalty on Collectors refusing to act.

IX. And be it further enacted by the Authority aforesaid, That all and every the Collector or Collectors of the Rates and Assessments aforesaid, of every Ward, shall collect the same quarterly, and shall severally enter in some Book or Books to be by them respectively kept for that Purpose, the several Sums which they shall from time to time receive on Account of the said Rates and Assessments, and likewise the Names of the Persons from whom, and the particular Times when, they received the same; which Book and Books they shall at all convenient Times produce upon Demand, and shew to the Deputy or Deputies of their respective Wards; and they shall pay the Money by them respectively received on Account of the said Rates and Assessments into the Hands of such Deputy, as he

Collector's Duty.

or they shall receive the same, and in such Manner as that such Collector shall never have a Sum exceeding Five Pounds so collected at one Time in his or their Hands by the Space of Five Days; and if any of the said Collectors shall neglect to make such Entries, or shall refuse to produce and shew to the Deputy of their respective Wards the Book or Books hereby directed to be by them respectively kept for the Purposes aforesaid (the same having been demanded of them) or if any of them shall keep or retain in his or their Hands more than the said Sum of Five Pounds longer than Five Days, in each and every the said Cases the Person or Persons so offending shall respectively forfeit the Sum of Forty Shillings for every such Offence; and on Payment of every such Sum of Money into the Hands of such Deputy of each Ward such Collector or Collectors shall take a Receipt for the same from the said Deputy, in which Receipt shall be specified and expressed the Name of such Collector or Collectors, the Sum paid, and the Name of the Precinct and Ward wherein the Money hath been collected; and the respective Deputies for the time being shall be obliged, and he and they is and are hereby required, to give such Receipt without Fee or Reward; and such Receipts shall by the Collector or Collectors be produced to the Alderman of the Ward, at the Time he and they shall settle and adjust his and their yearly Account and Accounts, and shall by the said Alderman be taken and allowed as a full and sufficient Discharge for all and every such Sum and Sums of Money such Collectors shall have received and paid to such Deputies respectively as aforesaid; and the said several Collectors shall within Twenty Days next after the End of every Three Months after their severally taking upon themselves the said Office of a Collector produce and deliver to the Alderman of the said Ward, or such Person as he shall appoint to receive the same, the Book and Books in which they entered the Sums by them severally received on Account of the said Rates; and shall at the same Time give and deliver to the said Alderman, or such Person as he shall appoint to receive the same, a true Account in Writing of all such Persons as shall have neglected or refused to pay the said Rates and Assessments, to the Intent that the same may afterwards be recovered and levied.

and Penalty on Default.

X. And to the End that the Payment of the said Rates and Assessments for the Purposes aforesaid may be effectually enforced, be it further enacted by the Authority aforesaid, That every Freeman of London liable to pay the Rates and Assessments aforesaid, who shall have neglected or refused to pay the said Rates and Assessments to the Person or Persons authorized and impowered to collect and receive the same (the same having been lawfully demanded) or shall have desired to be excused from paying such Rates and Assessments, shall be under the same Incapacity of voting at Elections within the said City of London, as any Person or Persons now is or are, who do not pay their Scot and Lot to the several yearly Rates and Taxes, to which the Citizens of London are at this time liable.

Persons not paying the Rates incapacitated to vote at Elections.

XI. And be it further enacted by the Authority aforesaid, That the Deputy of each Ward of the said City for the time being shall and may, and he is hereby authorized and required to pay all and singular the Orders and Draughts on him to be made by the Alderman of such Ward, with the Advice of the major Part of the Common-council Men of each Ward respectively, in Discharge of the Watchmen and Bedels, and other incident Charges in relation to the watching of such Ward, in pursuance of this Act; and the said respective Deputies of the Wards for the time being, shall and are hereby required to keep regular and plain Entries, in a Book to be for that Purpose by them severally provided, of all and singular the Receipts and Payments they shall make on Account of the Nightly Watch and Bedels within their respective Wards as aforesaid, and other Charges incident thereto; which Books shall be produced yearly at the Wardmote in each Ward, if required: And also that the Deputies respectively for the time being shall have the same Account audited and passed between the First Day of February and the First Day of March yearly, by the Alderman and the major Part of the Common-council Men of each Ward, in which the Money so to be accounted for shall be collected.

Deputy's Charge.

XII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lord Mayor for the time being, or any Two or more Justices of the Peace for the said City, to hear and determine any of the Offences, which are made subject to and punishable by any pecuniary Penalties directed to be levied by this Act: And the said Lord Mayor, or such Justices of the Peace, are hereby authorized and required, upon any Information exhibited, or Complaint made in that Behalf, within Ten Days after such Offence committed, to summon the Party or Parties accused, and the Witnesses on either Side; and in case the said Party or Parties accused shall not appear on such Summons (and after Oath made of the commission of any the Offences above mentioned by One or more credible Witness or Witnesses) to issue a Warrant or Warrants for apprehending the Party or Parties offending in the said City of London; and upon the Appearance of the Party or Parties accused, or his or their Contempt in not appearing, upon the Proof of Notice given, to proceed to the Examination of the Witness or Witnesses upon Oath (which Oath he or they are hereby authorized, impowered, and required to administer) and to give such Judgement, Sentence, or Determination, as shall be just and conformable to the Tenor and true Meaning of this Act; and where the Party or Parties accused shall be convicted of such Offence, either upon such Information as aforesaid, or on Confession of the Party or Parties accused, it shall and may be lawful for such Lord Mayor or Justices, to issue a Warrant or Warrants for levying the pecuniary Penalties and Forfeitures so adjudged on the Goods and Chattels of the Offender or Offenders, and to cause Sale to be made thereof, in case they shall not be redeemed in Five Days, rendering to the Party or Parties the Overplus (if any there be after deducting the reasonable Charges of such Distress and Sale) upon Demand; and in case any Person or Persons shall be so convicted as aforesaid, and no Goods or Chattels of such Person or Persons so offending can at the Time of such Conviction be found, then and in such Case it shall and may be lawful to and for the Lord Mayor or Justices of the Peace before whom such Person or Persons shall be convicted as aforesaid, to commit such Offender or Offenders to the House of Correction, there to be kept to hard Labour for any Time not exceeding the Space of Three Months, or until such pecuniary Penalty or Penalties shall be paid.

Lord Mayor, or Justices of Peace, are to try Offences against this Act,

and to levy Penalties by Distress,

XIII. Provided

XIII. Provided nevertheless, That it shall and may be lawful to and for such Lord Mayor or Justices of the Peace, from time to time (where they see Cause) to mitigate, compound, or lessen any of the said Forfeitures or Penalties as he or they in their Discretion shall think fit (so as such Mitigation do not extend to remit above One Moiety of the Penalty or Penalties inflicted and directed to be levied by this Act) and every such Mitigation shall be a sufficient Discharge to the Person offending respectively, for so much of the said Penalty or Forfeiture as shall be so lessened, mitigated, or remitted. or mitigate them.

XIV. Provided also, That if any Person or Persons shall find him, her, or themselves aggrieved, or remain unsatisfied in the Judgement of the said Lord Mayor, or Justices, then such Person or Persons shall and may by virtue of this Act complain or appeal to the Justices of the Peace at the next Quarter Sessions to be held for the said City of London; who are hereby impowered and required to summon and examine Witnesses upon Oath, and finally to hear and determine the same; and in case of Conviction to issue a Warrant or Warrants for levying and compelling by such Means as aforesaid the Payment of the said Penalties and Forfeitures. Appeal from Lord Mayor to the Justices at their Quarter Sessions.

XV. And it is hereby further enacted by the Authority aforesaid, That all the Penalties to be levied by virtue of this Act shall be paid and applied in Manner following; that is to say, One Moiety thereof to the Person or Persons who shall inform and prosecute for the same, and the other Moiety to the Alderman of the Ward where such Offence shall be committed, to be by him paid and applied for and towards defraying the Charges and Expences of the Nightly Watch and Bedels and other Charges incident thereto within such Ward. Penalties how to be applied.

XVI. Provided always, and be it further enacted, That in case there shall be any Deficiency in any One Year's Rate or Assessment so to be made as aforesaid in any of the Wards within the said City or Liberties thereof, either by Houses, Shops, Warehouses, Buildings, or other Tenements being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom such Rates and Assessments are respectively charged or chargeable by this Act, so that the Wages and Allowances to Watchmen and Bedels and other incident Charges cannot be fully satisfied, paid, and discharged in that Year; then and in such Case the Deficiency so happening in the said Ward shall be paid out of the next succeeding Year's Rate, and Assessment; and if there shall happen to be any surplus Money collected by such Rates and Assessments as aforesaid in any of the said Wards in any One Year, such Surplus shall be carried on to the Credit of the Account of the next Year's Rate and Assessment, and shall be applied for such Uses, and in such Manner, as the Rates and Assessments collected in such Ward are by this Act directed to be laid out and applied, and to no other Use or Purpose whatsoever. Deficiency in Rates how to be supplied, &c.

XVII. And whereas many Houses in several of the Wards of the said City are by the several Landlords or Owners thereof let out in Lodgings or Tenements to divers Tenants, whereby it will be difficult to rate and assess such Houses, or to recover such Rates and Assessments when made; for Remedy whereof be it enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, which shall be in the Year of our Lord One thousand seven hundred and thirty seven, it shall and may be lawful to and for the Alderman of each respective Ward, by and with the Consent of his Deputy and Common-council Men or the major Part of them, from time to time and at all Times when they are directed by the Lord Mayor, Aldermen, and Commons, of the said City, in Common Council assembled, to make any Rate and Assessment on the Inhabitants of their respective Wards, to rate and assess the Owner or Owners of all such Houses or Tenements as shall be let to or occupied by Three or more Tenants; which Rate and Assessment shall be paid by One or more of the Occupiers of any Part or Parts of such Houses; and in case any Occupier or Occupiers of any Part of such Houses or Tenements shall refuse to pay the same, then the said Rate and Assessment shall be levied by Distress and Sale of the Goods of him, her, or them so refusing to pay the same; which Distress and Sale shall be made in like Manner as Distresses and Sales of the Goods of other Parties neglecting or refusing to pay the Rates and Assessments imposed and directed to be imposed by virtue of this Act are directed to be made; and such Occupier and Occupiers of such Tenements are hereby required and authorized to pay such Sum and Sums of Money as shall be so rated, imposed, or assessed on the Owner or Owners thereof in pursuance of this Act, and to deduct the same out of the Rent thereof; and the Landlord or Owner or Owners thereof are hereby required to allow such Deductions and Payments upon Receipt of the Residue of their Rents; and every Tenant paying such Assessment or Assessments shall be acquitted and discharged for so much Money as the said Assessment or Assessments shall amount unto, as if the same had been actually paid to such Person or Persons to whom his, her, or their Rent should have been due or payable. Houses let out in Lodgings how to be assessed.

XVIII. Provided always, and it is hereby enacted and declared, That no Person or Persons, who shall be rated and assessed and pay to any Rate and Assessment to be made in pursuance of this Act, shall be liable to any Watch or Ward by virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statutes relating thereto, but shall be and are hereby discharged of and from the same. Persons rated not liable to any Watch.

XIX. And whereas by an Act of Parliament made and passed in the Twenty second and Twenty third Years of the Reign of his late Majesty King *Charles* the Second, intituled, *An Act for the better paving and cleansing the Streets and Sewers, in and about the City of* London, it is enacted (amongst other Things) That from thenceforth, the sole Power and Authority of ordering, designing, and regulating of the pitching and paving all the Streets, Lanes, and Passages whatsoever within the said City and Liberties, with the Order and Manner thereof, should be and remain in the Mayor, Commonalty, and Citizens of the said City, to be executed by such Persons as by the said Mayor, Aldermen, and Commons, in Common-council assembled, should be appointed, or by any Seven or more of them, being all Members of the said Court; and it is also thereby further enacted, That for the better enabling the said Mayor, Commonalty, and Citizens, to perform the Works by the said Statute appointed to be done, and for defraying the Charge thereof, it should be lawful for the said Persons so to be authorized, or any Seven of them, as often as need should be, to impose any Act 22 & 23 *Car.* II. *c.* 17.

any reaſonable Tax or Aſſeſſment, as well upon the Tenants and Occupiers, as alſo upon the Owners of Houſes, Shops, or other Tenements or Hereditaments, whereof there ſhould be no preſent Occupier, to be levied by Diſtreſs and Sale of the Goods of the Parties refuſing or neglecting to pay, as by the ſaid Act more fully may appear; but inaſmuch as it frequently happens, that no Diſtreſs can be found upon Ground, Houſes, Shops, or Tenements, that lie vacant or untenanted, whereby the neceſſary Taxes or Aſſeſſments for paving the Streets, Lanes, or Paſſages, lying before ſuch vacant Ground, Houſes, Shops, or Tenements, cannot be levied, by reaſon whereof ſuch Part of the ſaid Streets, Lanes, and Paſſages often remains unpaved, to the great Nuſance of the Publick; for Remedy whereof, be it enacted by the Authority aforeſaid,

Aſſeſſments on untenanted Grounds, &c. how to be made.

That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſeven, it ſhall and may be lawful, to and for the ſaid Perſons now authorized, or hereafter to be authorized, by virtue of the ſaid Statute as aforeſaid, or any Seven or more of them, to order ſuch Parts of the reſpective Streets, Lanes, and Paſſages, as lie before ſuch vacant or untenanted Ground, Houſes, Shops, or Tenements, as often as Need ſhall be, to be well and ſufficiently paved, cleanſed, and amended, and to impoſe ſuch Tax or Aſſeſſment on the Owner or Owners thereof, as ſhall be neceſſary for the doing the ſame; all which Taxes and Aſſeſſments ſhall be paid, for and upon the Account of ſuch Owner or Owners thereof, by him, her, or them, who ſhall from time to time be the next and firſt Occupier or Occupiers, of ſuch Ground, Houſes, Shops, or Tenements, after the making or impoſing ſuch Tax or Aſſeſſment; and in caſe ſuch Occupier or Occupiers ſhall refuſe to pay the ſame, then the ſaid Taxes and Aſſeſſments ſhall be levied by Diſtreſs and Sale of the Goods and Chattels of him, her, or them, ſo refuſing to pay the ſame: Which Diſtreſs and Sale ſhall be made in ſuch Manner as Diſtreſſes and Sales thereof are directed to be made by the ſaid Statute; and all and every ſuch firſt Occupier and Occupiers are hereby required and authorized, to pay ſuch Sum and Sums of Money, as ſhall be ſo rated, impoſed, or aſſeſſed on the Owner or Owners of ſuch Ground, Houſes, Shops, or Tenements, in purſuance of this Act, and to deduct the ſame out of the Rent thereof; and the Landlord or Landlords, or Owner or Owners thereof, are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their Rents; and every Tenant paying ſuch Taxes or Aſſeſſments ſhall be acquitted and diſcharged for ſo much Money, as the ſaid Taxes or Aſſeſſments ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons, to whom his, her, or their Rent ſhould have been due or payable.

XX. And to the End that all and every the Pavements lying before any vacant or untenanted Ground, Houſe, Shop, or Tenement, in any of the Streets, Lanes, or Paſſages, may from time to time be effectually amended, be it further enacted by the Authority aforeſaid,

Taxes on vacant Grounds, &c. to be paid out of the City Caſh,

That the Chamberlain of the ſaid City for the time being, ſhall pay all and every the Taxes and Aſſeſſments which ſhall be impoſed or aſſeſſed upon the Owner or Owners of ſuch vacant or untenanted Ground, Houſes, Shops, or Tenements, during the Time the ſame ſhall ſo continue vacant or untenanted, out of the City Caſh; but in caſe after ſuch Payment by the ſaid Chamberlain any of the ſaid Taxes or Aſſeſſments ſhall be paid or levied by or upon the Tenant or Tenants thereof, who ſhall afterwards occupy the ſame, then and in every ſuch Caſe the ſame ſhall forthwith be repaid into the Chamber of the ſaid City.

and repaid by the next Occupiers.

XXI. And whereas from the great Increaſe of Coaches, Carts, and other Carriages, and their frequent paſſing through the Streets, Lanes, and Paſſages of the ſaid City, it is become neceſſary for the Safety and Convenience of all Perſons paſſing within the ſaid City, that Poſts ſhould be ſet up in many Streets, Lanes, and other Paſſages, where now there are none, to preſerve a Foot-paſſage; be it therefore further enacted by the Authority aforeſaid,

Poſts to be ſet up for Foot-paſſages.

That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty ſeven, it ſhall and may be lawful for the ſaid Perſons authorized and to be authorized as aforeſaid, or any Seven of them, to order, deſign, and ſet up Poſts in all or any the Streets, Lanes, and Paſſages whatſoever, where Need ſhall be, within the ſaid City and Liberties, to preſerve Foot-paſſages; which Power ſhall be exerciſed in the ſame Manner as the Power veſted in them by the ſaid Statute, For the better paving and cleanſing the Streets and Sewers in and about the ſaid City; and for enabling them to execute and perform the Works laſt mentioned and appointed to be done, it ſhall alſo be lawful for them, or any Seven of them, to make ſuch Taxes and Aſſeſſments as ſhall be reaſonable, to be charged and levied in the ſame Manner as the other Taxes and Aſſeſſments may be and are directed to be charged and levied by the aforeſaid Statute, or by ſo much of this preſent Act as relates to the paving of the ſaid Streets, and in as full and ample Manner to all Intents and Purpoſes whatſoever as if the ſame was herein particularly recited.

Limitation of Actions.

XXII. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Matter or Thing to be done in purſuance of this Act, then and in ſuch Caſe the Action or Suit ſhall be brought or commenced within Six Months nert after the Fact committed, and not afterwards, and ſhall be laid and brought in the City of London, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit to be brought ſhall and may plead the

General Iſſue.

General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Actions, Suit or Suits, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and

Treble Coſts.

may recover treble Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law.

Publick Act.

XXIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken, to be a publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXIII.

CAP. XXIII.

An Act for explaining, and amending, and making more effectual ſeveral Acts of Parliament made in the Fourth, Sixth, and Tenth Years of the Reign of his late Majeſty King *George* the Firſt, reſpectively, for repairing the ſeveral Roads therein mentioned in the Counties of *Surrey*, *Kent*, and *Suſſex*; and for enlarging the Terms and Powers by the ſaid Acts granted; and for repairing the Road lying between *Noneſuch* and *Worceſter* Parks, in the Pariſh of *Cuddington*, in the ſaid County of *Surrey*.

Preamble, reciting the Act 4 *Geor.* I. not printed.

WHEREAS by an Act made and paſſed in the Fourth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for amending the Roads from the City of* London *to the Town of* Eaſt Grinſtead *in the County of* Suſſex, *and to* Sutton *and* Kingſton *in the County of* Surrey, ſeveral Tolls and Duties were granted and made payable, and divers Powers and Authorities given, for repairing the Highways and Roads in the ſaid Act mentioned, and for putting the ſaid Act in Execution; which ſaid Act, and all the Tolls, Duties, Powers, and Authorities thereby given and granted reſpectively, were to continue from the Twenty fifth Day of *March*, One thouſand ſeven hundred and eighteen, for and during the Term of One and Twenty Years; and in order for the raiſing Money for the more ſpeedy and effectual repairing the ſaid Roads, it was amongſt other things enacted, That the Truſtees in and by the ſaid Act nominated and appointed, or any Fifteen or more of them, ſhould and might from time to time by Writing under their Hands and Seals aſſign over the ſaid Tolls, or any Part thereof, for all or any Part of the Term for which the ſame were granted or enacted, to be paid unto any Perſon or Perſons who ſhould advance and lend any Sum or Sums of Money upon the Credit of the ſaid Act, for ſecuring the Repayment of ſuch Sum or Sums of Money ſo to be advanced and lent, with Intereſt for the ſame; and which Sum or Sums of Money ſo to be advanced and lent were to be applied for the repairing and amending the ſaid Roads, in ſuch Manner as in the ſaid Act is mentioned: And whereas by an Act made and paſſed in the Sixth Year of the Reign of his ſaid late Majeſty, intituled, *An Act for enlarging the Term granted by an Act in the Fourth Year of his Majeſty's Reign*, intituled, *An Act for repairing the Highways leading from the Stones End in* Kent Street *to the Lime Kilns in* Eaſt Greenwich, *near* Blackheath, *and to* Lewiſham *Church*, *being the* Tunbridge *Road*, *in the County of* Kent; *and for repairing and amending the Highways and Roads leading from* Weſtminſter Ferry, *in the Pariſh of* Lambeth, *in the County of* Surrey, *to* New Croſs *in the Pariſh of* Deptford, *in the County of* Kent; *and for enlarging the Term granted by an Act paſſed in the Fourth Year of His Majeſty's Reign*, intituled, *An Act for amending the Roads from the City of* London *to the Town of* Eaſt Grinſtead *in the County of* Suſſex, *and to* Sutton *and* Kingſton *in the County of* Surrey, *and for explaining and amending the ſame Act*, it was enacted, That the ſaid firſt recited Act, and all the Clauſes, Powers, and Penalties therein contained, ſhould continue and be in Force from and after the Expiration of the aforeſaid Term of One and Twenty Years, for and during the Term of Two Years from thence next enſuing; and by the ſame Act divers Perſons therein named were appointed Truſtees for putting the ſaid firſt recited Act in Execution, together with the reſt of the Truſtees nominated and appointed by the ſame Act: And whereas by an Act made in the Tenth Year of the Reign of his ſaid late Majeſty, intituled, *An Act for amending the Roads from the Stones End in* Southwark *to* Highgate *at the Entrance of* Aſhdown *Foreſt*, *in the Pariſh of* Eaſt Grinſtead *in the County of* Suſſex, *and from* Kingſton *to* Burton *Common*, *and alſo the Lane leading from* Woodhatch *to* Sidlow *Mill*, *and the Lanes called* Horſehills, Bonehurſt *alias* Boners, *and* Peteridge *Lanes*, *in the County of* Surrey, *by enlarging the Terms granted by two former Acts*, *one of the Fourth*, *and the other of the Sixth Year of His Majeſty's Reign*, it was amongſt other Things enacted, That the ſaid Act of the Fourth Year of his ſaid late Majeſty's Reign herein firſt recited, and all the Clauſes, Powers, Penalties, Matters, and Things, therein contained, not altered, explained, or otherwiſe enacted by the ſaid Act of the Tenth Year of his late Majeſty's Reign, ſhould continue and be in Force, and ſhould be extended to the ſeveral Roads by the laſt mentioned Act directed to be amended; and alſo ſhould be continued and be executed from and after the Expiration of the aforeſaid Terms of One and twenty Years, and Two Years, for and during the Term of One and twenty Years from thence next enſuing; and that the Monies to be raiſed by ſuch additional Term ſhould be veſted in Truſtees for amending and repairing the ſaid Roads, and for ſecuring the Repayment of all ſuch Sum and Sums of Money as ſhould be borrowed, advanced, or lent upon the Credit of the ſaid Act of the Tenth Year of the Reign of his ſaid late Majeſty, together with the Charges and Expences of paſſing the ſame: And it was thereby enacted, That the Truſtees appointed by the ſaid two former Acts, and divers other Perſons in the laſt recited Act named, ſhould be and were thereby nominated and appointed Truſtees for putting the ſame Act in Execution, and they, or any Seven or more of them, were thereby authorized and impowered to execute all and every the Powers granted by the ſaid three ſeveral Acts: And it was thereby alſo enacted, That it ſhould be lawful for the ſaid Truſtees, or any Fifteen or more of them, and they were thereby authorized and impowered from time to time by Writing under their Hands and Seals to aſſign the Toll and Duty thereby granted and to commence from and after the Expiration of the ſaid ſeveral Terms of One and twenty Years, and Two Years, for any Term during the Continuance of the ſaid laſt recited Act, or for any Part of ſuch Term, as a Security for any Sum or Sums of Money to be borrowed, advanced, and lent for repairing the ſaid Roads thereby directed to be repaired and amended, and to ſecure the Repayment thereof with Intereſt after the Rate of Five Pounds *per Centum per Annum*: And it was thereby further enacted, That for ſecuring the Payment of the Intereſt of all Monies to be borrowed by virtue of the ſame Act, until the Term thereby granted ſhould take Effect in Poſſeſſion, the ſaid Truſtees, or any Seven or more of them, might deduct out of the reſpective Proportions by the ſaid firſt recited Act allotted to be paid out of the Tolls and Duties thereby ariſing for repairing and amending the ſaid Roads, ſo much Money yearly and every Year, as ſhould be ſufficient to pay the Intereſt of the Monies to be borrowed by Virtue of the ſaid laſt recited Act, and from time to time to pay to ſuch Perſon or Perſons, who ſhould advance and lend the ſame, ſuch Intereſt Money Half-yearly by even and equal Portions until the Commencement of the Term thereby granted; and after the ſame ſhould commence, then ſhould and might apply the whole Profits ariſing by the Tolls and Duties thereby granted for the ſaid additional Term, for Payment of the Principal Money borrowed upon ſuch Securities, together with ſuch Intereſt as ſhould accrue or grow due for the ſame after the Commencement of the ſaid Term: And it was thereby further enacted, That all the Monies that had been borrowed for amending the ſaid Roads, and advanced and lent upon the Security of the Tolls and Duties granted by the ſaid two former Acts, or either of them, and which then remained due and unpaid together with the Intereſt thereof ſhould be in the next Place duly paid and ſatisfied out of the ſame Tolls and Duties, and that all the Profits ariſing from the ſame by Virtue of the ſaid former Acts or either of them ſhould from time to time during the Continuance of the ſame Acts be applied to and for the Payment thereof; and reciting in the ſaid Act, that the ſeveral Roads therein mentioned were intended to be repaired and amended at one and the ſame

9 *Geor.* I. *cap.* 26.

10 *Geor.* I. *cap.* 13.

ſame time, it was therefore enacted, That the Money to be borrowed by Virtue of the ſame Act, not exceeding the Sum of Nine thouſand Pounds, ſhould be applied on each reſpective Road to be amended as followeth; that is to ſay, Two thouſand five hundred Pounds in repairing and amending the Roads from *Croydon* to *Highgate* aforeſaid; Two thouſand Pounds for repairing and amending the Road from *Kingſton upon Thames* to *Burton* Common; and Two thouſand Pounds in repairing and amending the Lane from the Borough of *Woodhatch*, by *Salmon's Croſs*, to *Sidlow* Mill, in the Pariſh of *Ryegate*, and *Horſehills* Lane, and *Bonehurſt* alias *Boners*, and *Peteridge* Lanes, in the Pariſh of *Horley*; and Two thouſand five hundred Pounds, the Remainder of the ſaid Nine thouſand Pounds, for repairing and amending the Roads from the Stones End to *Croydon*, *Kingſton*, and *Sutton* reſpectively, in ſuch Manner and Proportions as the Truſtees, or any Nine or more of them, ſhould think meet and proper; in which laſt recited Act is contained a Proviſo, that if at any time before the Expiration of the Term granted by the ſame Act, the Sum of Nine thouſand Pounds to be borrowed by virtue thereof ſhould be fully repaid, with all Intereſt due thereupon, and the Coſts and Charges thereof, the aforeſaid Tolls and Duties thereby granted ſhould go and be applied in manner following; to wit, One Fourth Part in finiſhing the Repairs and Amendment of the Roads from the Stones End to *Croydon*; One Fourth Part from *Croydon* to *Ryegate* aforeſaid; One Fourth Part from the Stones End to *Burton* Common aforeſaid; and One Fourth Part from the Stones End to *Sutton*, and from the ſaid Borough of *Woodhatch*, in the Pariſh of *Ryegate*, to the farther End of *Horſehills* Lane, in the ſaid Pariſh of *Horley*, and from the Beginning of *Peteridge* Lane to the farther End of *Bonehurſt* alias *Boners* Lane, in the Pariſh of *Horley* aforeſaid, ſubject nevertheleſs to be determined and to ceaſe upon an Adjudication by the Juſtices of the Peace for the ſaid reſpective Counties of *Surrey* and *Suſſex*, and wherein the Roads do lie, at their reſpective Quarter Seſſions, that the ſaid Roads are well and ſufficiently repaired: And whereas the Truſtees nominated and appointed by the firſt recited Act did in Purſuance and upon the Credit of the ſaid Act borrow of ſeveral Perſons ſeveral Sums of Money, amounting together to the principal Sum of Nine thouſand Pounds, and aſſigned and made over the Tolls and Duties ariſing by virtue of and under the ſaid Act, unto the ſeveral Perſons who advanced and lent the ſaid Monies reſpectively, as a Security for the Repayment of the ſame with lawful Intereſt: And whereas the Truſtees nominated and appointed by the ſaid Act of the Tenth Year of the Reign of His ſaid late Majeſty did in purſuance and upon the Credit of the ſaid Act borrow of ſeveral Perſons ſeveral Sums of Money, amounting together to the principal Sum of Six thouſand ſeven hundred and fifty Pounds, part of the Nine thouſand Pounds, which they were impowered to raiſe by the ſaid Act, and aſſigned and made over the Tolls and Duties ariſing by virtue of and under the ſaid Act unto the ſeveral Perſons who advanced and lent the ſaid Monies reſpectively, as a Security for the Repayment of the ſame with lawful Intereſt: And whereas the Truſtees appointed by the ſaid Acts reſpectively have applied the Monies ſo borrowed upon the Credit of the ſaid ſeveral Acts, together with the Tolls and Duties ariſing and received by virtue of the ſame, in, for, and towards the repairing and amending the Highways and Roads thereby directed to be repaired and amended, and for other the Purpoſes in the ſaid Acts mentioned, and great Progreſs hath been made in repairing and amending the ſaid Highways and Roads accordingly: And whereas the ſaid principal Sum of Six thouſand ſeven hundred and fifty Pounds, borrowed upon the Credit of the ſaid Act of the Tenth Year of His late Majeſty, and the principal Sum of Seven thouſand Pounds, Part of the Money borrowed upon the Credit of the firſt recited Act, making together Thirteen thouſand ſeven hundred and fifty Pounds, remain ſtill due and owing upon the ſaid ſeveral Securities, and carry Intereſt after the Rate of Five Pounds *per Centum per Annum*: And whereas the Truſtees appointed to execute the Powers and Authorities of the ſaid Acts have reaſon to believe that they can borrow and take up Money to diſcharge the ſaid Debts and Incumbrances at a lower Rate of Intereſt, by which means the Fund ſettled and to be raiſed by the ſame Acts would be conſiderably augmented, and conſequently the repairing and amending the Highways and Roads therein mentioned be ſooner finiſhed and compleated: But as the Term granted by the Two Acts of Parliament herein firſt recited, will expire at *Lady-day*, One thouſand ſeven hundred and forty one, and the Monies to be raiſed by virtue and upon the Credit of the ſaid Act of the Tenth Year of His ſaid late Majeſty, cannot by the Tenor of the ſame Act be applied to diſcharge the Money due and owing on the Security of the ſaid Two former Acts, a good and effectual Aſſignment or Security cannot be made of the Tolls and Duties granted and directed to be levied by the ſaid ſeveral Acts for Repayment of any Money to be advanced and lent for that Purpoſe; and in caſe the Tolls and Duties granted by the Two firſt recited Acts were to be received and applied for Diſcharge and Satisfaction of the Monies advanced and ſecured upon the Tolls and Duties granted by the ſame Acts (and which are ſolely charged with the ſame) the repairing of the Roads, for which the ſaid Duties were ſo given and granted, would be totally fruſtrated and prevented, *&c.*

The recited Acts are continued from 25 March, 1762, *for* 15 *Years*; *and the Tolls increaſed.*

CAP. XXIV.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Ninth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road leading from the* Black Bull Inn *in* Dunſtable *in the County of* Bedford, *to the Way turning out of the ſaid Road up to* Shafford Houſe *in the County of* Hertford; and for preventing the driving of Cattle through private Grounds and Paſſages, to avoid the Payment of the Toll charged upon Cattle by an Act of the Firſt Year of the Reign of his late Majeſty, and the Eighth Year of the Reign of His preſent Majeſty, *For repairing the Roads from* South Mims *to Saint* Albans, *in the ſaid County of* Hertford.

Preamble reciting the Act 9 *Geor.* I. *cap.* 11.

WHEREAS by an Act paſſed in the Ninth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road leading from the* Black Bull Inn *in* Dunſtable *in the County of* Bedford, *to the Way turning out of the ſaid Road up to* Shafford Houſe *in the County of* Hertford, ſeveral Tolls were granted and made payable for the Term of One and twenty Years, from the firſt Day of *June*, One thouſand ſeven hundred and twenty three: And whereas the Truſtees appointed to put the ſaid Act in Execution have upon the Credit of the ſaid Act borrowed a conſiderable Sum of Money in order to amend the Road directed to be repaired, which Money ſo borrowed is ſtill due and owing; and although all the Money borrowed, together with the Money ariſing by the Tolls collected, have been duly laid out according to the Directions of the ſaid Act, yet ſome Parts of the ſaid Road are in a ruinous Condition, eſpecially in the Winter-ſeaſon, and cannot be effectually repaired according to the true Intent and Meaning of the ſaid Act, and the Money now due on the Credit thereof be repaid, unleſs the Term and Powers granted by the ſaid Act be further enlarged, *&c.*

The Act is farther continued for 21 *Years.*

CAP. XXV.

CAP. XXV.

An Act for the better regulating the Nightly Watch and Bedels within the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the Pariſh of Saint *Andrew Holborn*, in the County of *Middleſex*.

Preamble.

WHEREAS the well ordering and regulating the Nightly Watch and Bedels within the Liberty of *Saffron Hill*, *Hatton Garden*, and *Ely Rents*, in the Pariſh of Saint *Andrew Holborn*, in the County of *Middleſex*, is of great Importance for the Preſervation of the Perſons and Properties of the Inhabitants thereof, and very neceſſary to prevent, as well the Miſchiefs which may happen from Fires, as Murders, Burglaries, Robberies, and other Outrages and Diſorders: And whereas by the Laws now in Being no effectual Proviſion is made for the eſtabliſhing, ordering, and well governing ſuch Nightly Watch and Bedels within the ſaid Diſtrict, for levying and collecting any Sums of Money for defraying the neceſſary Charges thereof, or for enforcing a due Application and juſt account of any Money ſo levied and collected for that Purpoſe; for Remedy of the aforeſaid Inconveniences, may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lord's Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Inhabitants of the Liberty of Hatton Garden, Saffron Hill, and Ely Rents, aforeſaid, to meet together upon the Twenty third Day of June, One thouſand ſeven hundred and thirty ſeven, at the uſual Place of Meeting for tranſacting the Buſineſs of the Pariſh within the ſaid Diſtrict, between the Hours of Nine and Ten in the Forenoon of the ſame Day; and then and there by the Majority of the ſaid Inhabitants then preſent to elect and chooſe Forty of the ſaid Inhabitants to be Truſtees for the Purpoſes of this Act; and the ſaid Forty Perſons ſo to be elected ſhall be and are hereby enacted and declared to be Truſtees for the better regulating the Nightly Watch and Bedels within the ſaid Liberty of Saffron Hill, Hatton Garden, and Ely Rents; and the Truſtees ſo to be elected, nominated, and appointed for the Diſtrict afore mentioned ſhall and may and they are hereby authorized and impowered to meet on the Twenty eighth Day of June, One thouſand ſeven hundred and thirty ſeven, at the uſual Place for tranſacting the Buſineſs of the Pariſh within the Diſtrict aforeſaid; and the Truſtees ſo to be elected ſhall and may alſo meet on the Fourth Day of November, One thouſand ſeven hundred and thirty ſeven, at the uſual Place aforeſaid, and afterwards on the firſt Monday in November in every enſuing Year; and the Truſtees ſo to be elected, or the major Part of them ſo aſſembled at their firſt Meeting, ſhall appoint what Number of Watchmen they ſhall judge neceſſary and proper to be kept in the ſaid Diſtrict until the ſaid firſt Monday in November, One thouſand ſeven hundred and thirty ſeven, and at their ſubſequent Meetings, what Number of Watchmen they ſhall judge neceſſary and proper to be kept in the ſaid Diſtrict for every ſucceeding Year to end on the firſt Monday in November enſuing every ſuch general Meeting.

Truſtees how to be elected,

when and where to meet,

to appoint Watchmen,

II. And it is hereby further enacted by the Authority aforeſaid, That the Truſtees ſo to be elected and appointed to act within the Diſtrict afore mentioned for the Purpoſes aforeſaid, or any Seven or more of them, ſhall and may at their Meetings ſo to be held by Authority of this Act direct and appoint what Number of Bedels ſhall be kept within the ſaid Diſtrict in Proportion to the Extent thereof, and ſhall at ſuch Meetings order what Wages and Allowances are to be given to the ſaid Watchmen and Bedels for their Attendance, and what Pound Rate ſhall be made for the defraying the Charge and Expence of ſuch Nightly Watch and Bedels.

Bedels, and their Wages,

and the Pound Rate to be made.

III. And be it further enacted by the Authority aforeſaid, That the Truſtees ſo to be elected for the ſaid Diſtrict as aforeſaid, or any Seven or more of them, ſhall within Fourteen Days after the Number of Watchmen ſhall have been appointed for ſuch Diſtrict, aſſemble in their uſual Place for tranſacting the Affairs of the ſaid Diſtrict, yearly and every Year, and ſhall nominate and chooſe honeſt and able-bodied Men to be employed as Watchmen and Bedels within the ſaid Diſtrict, as they ſhall think beſt qualified for the ſame; and ſhall ſet down in Writing at what Stands it is fit for the ſaid Watchmen to be placed, in what Manner and how often it is required of them to go their Rounds, how they ought to be armed, how long they are to watch, and to make ſuch Orders and Regulations as the Nature of ſuch particular Service ſhall appear to them to require; and if any of the ſaid Watchmen or Bedels ſo by them appointed for the ſaid Diſtrict ſhall die within the Time for which he is appointed to ſerve, or ſhall be negligent in his or their Duty, or guilty of any Misbehaviour, or if it ſhall be found neceſſary to repeal, amend, or alter any of the ſame Nominations, Appointments, Orders, or Regulations, it ſhall and may be lawful to and for the Truſtees for the ſaid Diſtrict as aforeſaid, or any Seven or more of them, being convened by due and legal Notice at any intermediate Times in the Year, to nominate and appoint One or more Perſon or Perſons fitly qualified in the Room and Stead of him or them ſo dying, or guilty of Misbehaviour as aforeſaid, and alſo to make ſuch other Nominations and Appointments, and ſuch further Orders and Regulations for the better Government and Direction of the ſaid Watchmen and Bedels within the ſaid Diſtrict, as they ſhall think proper.

Truſtees to appoint Officers and make Orders for the Watch.

IV. And be it further enacted by the Authority aforeſaid, That true Copies or Tranſcripts of all ſuch Nominations, Appointments, Orders, and Regulations, as ſhall be ſo made from time to time as aforeſaid, for the better Direction and Government of the Watchmen ſo to be appointed, ſhall be fairly written and ſigned by the Clerk or Clerks to be appointed by the Truſtees for the ſaid Diſtrict, or any Seven or more of them, and ſhall be delivered to the Conſtables and Headboroughs for the time being of the ſaid Diſtrict, acting in the Diſtrict afore mentioned, and to every of them.

Copies of Orders, &c. to be given to the Conſtables, &c.

V. And it is hereby further enacted, That from and after the Twenty fifth Day of June, One thouſand ſeven hundred and thirty ſeven, Two or more of the ſaid Conſtables or Headboroughs for the time being of the ſaid Diſtrict ſhall attend every Night by Turns, and ſhall keep Watch and Ward within the ſaid Diſtrict from the Hour of Ten in the Evening till Seven the next Morning, from the Twenty ninth Day of September till the

Conſtable's

Twenty fifth Day of March, and from the Twenty fifth Day of March till the Twenty ninth Day of September, from Ten of the Clock in the Evening till Five in the Morning, and shall in their several Turns and Courses of watching use their best Endeavours to prevent as well all Mischiefs happening by Fire, as all Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that end shall and are hereby impowered to arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering or misbehaving themselves, and shall carry the Person or Persons who shall be so apprehended, as soon as conveniently may be, before One or more Justice or Justices of the Peace, to be examined and dealt with according to Law; and shall twice or oftner at convenient Times in every Night go about the said District, and shall take Notice whether all the Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the Persons hereby authorized and impowered in that Behalf respectively; and in case any such Watchman shall misbehave himself, or neglect his Duty, the said Constable or Headborough shall, as soon as conveniently may be, give Notice thereof to One or more of the Trustees for the said District, to the End a Meeting of the Trustees may be forthwith summoned for the Examination and Punishment of such Offence.

and Watchmen's Charge.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them (in the Absence of the Constable or Headborough) and they are also hereby authorized and required, in their several Stations during the Time of keeping Watch or Ward as aforesaid to apprehend all Night-walkers, Malefactors, Rogues, Vagabonds, and all other disorderly Persons whom they shall find disturbing the publick Peace, or shall have just cause to suspect of any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable of the Night, or Headborough, who is hereby required to carry him, her, or them before One or more Justice or Justices of the Peace for the said County, to be examined and dealt with according to Law.

Trustees to make Assessments,

VII. And for the better raising and levying of Monies for paying the Wages of the said Watchmen and Bedels, and Charges incident thereto, and for defraying the necessary Charges and Expences of passing this Act, be it further enacted by the Authority aforesaid, That within Fifteen Days after the Number of Watchmen and Bedels shall be agreed upon as aforesaid, the Trustees so to be elected and appointed for the said District as aforesaid shall meet in their said Place of Meeting for transacting the Affairs of the said District (Notice of which Meeting shall be given on the Sunday next before in the Church of the said Parish of Saint Andrew Holborn immediately after Morning Service) and they or any Seven or more of them shall and they are hereby authorized and impowered to make or sign a Rate or Assessment in proportion and according to a Pound Rate, to be collected quarterly upon all and every Person or Persons who do or shall inhabit, hold, occupy, or enjoy any House, Tenement, Shop, Warehouse, Cellar, or other Building, or Occupier of any Ground-floor of any House or Building that shall be let in Tenements within the said District, for and towards the raising the full Sum of Money by them judged necessary to be charged upon the said District; which said Rate or Assessment so to be made, being first allowed and confirmed by Two or more Justices of the Peace for the said County of Middlesex dwelling in or near the said District, and all Arrears that may become due upon the same, shall be collected from the said Inhabitants and Occupiers by such Person or Persons as shall be appointed to collect and receive the same; which Collector or Collectors the Trustees for the said District, or any Seven or more of them, at their General Meetings appointed by this Act are hereby authorized and impowered to nominate and appoint.

and appoint Collectors,

who, upon Refusal to act, forfeit 10 l.

VIII. And it is hereby further enacted by the Authority aforesaid, That in case any Person or Persons so nominated or appointed shall refuse, after Six Days Notice in Writing of such Nomination or Appointment given to him or left at his usual Place of Abode, to be a Collector or Collectors of the Rates and Duties directed to be levied by this Act, every Person so refusing shall forfeit the Sum of Ten Pounds; and in that case it shall and may be lawful to and for One or more Justice or Justices of the Peace for the County of Middlesex, upon Complaint to him or them made by any Two or more of the Persons so authorized and impowered to make such Rate and Assessment, to issue a Warrant to any Constable or Headborough of the said District to levy the said Forfeiture by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing, rendering the Overplus (if any be after deducting the necessary Charges and Expences of such Distress and Sale) to the Owner thereof; and in case of such Refusal, or if any Collector shall die or remove out of the said District, it shall and may be lawful to and for the Trustees for the said District, or any Seven or more of them, to meet in their usual Place as aforesaid, Notice of such Meeting being given in the said Church as aforesaid, and to nominate another Person to be a Collector in the Room and Stead of such Person so removing, dying, or refusing to act.

Rates, in case of Refusal, to be levied by Distress.

IX. And it is hereby further enacted and declared by the Authority aforesaid, That the said Penalties to be levied pursuant to this Act shall be applied and applicable only to the defraying the Expences of the said Nightly Watch and Bedels to be appointed by virtue of this Act; and in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum so rated and assessed upon him, her, or them as aforesaid, it shall and may be lawful to and for such Collector or Collectors, by Warrant or Warrants under the Hands and Seals of Two or more Justices of the Peace for the County of Middlesex inhabiting in or near the said District, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendering to him, her, or them the Overplus (if any be) the reasonable Charges of making such Distress and Sale being first deducted.

Trustees, at intermediate Meetings may assess, &c.

X. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Trustees for the said District, or any Seven or more of them, to meet together at their usual Place of Meeting at any intermediate Times in every Year, as Occasion

Occasion shall require, Notice of such Meetings being given in the said Church as before directed, and to make a Rate or Assessment upon all and every Person or Persons who shall become Occupier or Occupiers of any House, Tenement, Shop, Warehouse, Cellar, or other Building, after the Rate for that Year shall have been made and assessed as aforesaid; which Rate and Assessment being allowed and confirmed by Two or more Justices of the Peace for the County of Middlesex, shall be raised, levied, and collected by such Person or Persons and in such Manner as the before mentioned Rate is directed to be raised, levied, and collected by this Act.

Rates on Houses, where foreign Ministers reside, chargeable on the Landlords.

XI. Provided always, and be it further enacted by the Authority aforesaid, That every Rate, Tax, or Assessment, which shall be made or imposed by Virtue of this Act for or in respect of any House or Tenement in which any Ambassador, Resident, Agent, or publick Minister of any foreign Prince or State now doth or hereafter shall inhabit or occupy, shall be paid by the Landlord or Owner of such House or Tenement, who shall be subject and liable to the Payment thereof in like Manner as if he, she, or they had been the Occupier or Occupiers thereof.

Appeal, in case of Grievance, to be made to the Quarter Sessions.

XII. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Assessment, then upon Appeal to the next General Quarter Sessions or General Sessions of the Peace to be held for the said County of Middlesex, it shall and may be lawful for the Justices of the Peace, or the greater Number of them then assembled, to make such Order therein as to them shall seem meet; which said Order shall be final, and conclude all Parties, and shall not be removed by Writ of Certiorari or otherwise.

Assessments not to exceed 6 *d. per* Pound of the yearly Rent.

XIII. Provided also, and be it enacted by the Authority aforesaid, That no such Assessment or Assessments to be made in any one Year shall exceed Six Pence in the Pound of the yearly Rent of the Houses, Tenements, Shops, Warehouses, Cellars, or other Buildings to be assessed and charged by Virtue of this Act.

Persons paying the Rates not intitled to Settlements, &c.

XIV. Provided also, and be it enacted by the Authority aforesaid, That no Person or Persons who shall be charged in or pay any Rate or Assessment to be made by virtue or in pursuance of this Act, or be chosen a Bedel or Watchman, shall be deemed or construed thereby to gain any Settlement in the said District; and no Person being a menial or hired Servant shall be capable of being chosen a Bedel or Watchman during the Time of his being such Servant.

Collectors to pay the Monies to Persons appointed by the Trustees.

XV. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall in pursuance of this Act be appointed to collect and receive the Monies due upon the said Assessments, shall from time to time pay over the Monies arising from the same to such Watchmen, Bedels, or other Persons, and in such Proportions, as the Trustees for the said District or any Seven or more of them shall appoint, and shall then upon the Five and twentieth Day of July yearly, unless the same shall be upon Sunday and then upon the Six and twentieth Day of July (or oftner if required) make and yield up to the said Persons authorized and impowered as aforesaid a true and perfect Account of all Sums of Money by them received and paid, and also pay and deliver into the Hands of such other Person or Persons, whom the Trustees for the said District or any Seven or more of them shall appoint to receive the same, all such Sums of Money as shall remain in their or any of their Hands.

Monies how to be applied.

XVI. And it is hereby declared, That all Money whatsoever by them collected or received by Virtue of this Act shall be applied and applicable to the defraying of the Expences of the said Nightly Watch and Bedels, and the necessary Charges of passing this Act, and not otherwise; and if any of the said Collectors or Receivers shall refuse or neglect to give a just Account, or pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful for any Two Justices of the Peace for the said County of Middlesex inhabiting as aforesaid, upon Complaint to them made by one or more of the said Persons so to be elected a Trustee of the said District, to whom the said Collectors are accountable by virtue of this Act, and Proof thereof upon Oath by one or more credible Witness or Witnesses, (which Oath the said Justices are hereby authorized and impowered to administer) by Warrant under their Hands and Seals to commit such Person or Persons to the common Gaol, there to remain without Bail or Mainprize, until he or they shall have made a true Account, and satisfied and paid such Sum, as upon the said Account shall appear to be remaining in his or their Hands.

Collectors, on Default of Payment, to be imprison'd.

Deficiencies and Surplusses how to be ordered.

XVII. Provided also, and be it further enacted by the Authority aforesaid, That in case there shall be any Deficiency in any one Year's Rate or Assessment so to be made, as aforesaid, either by Houses, Tenements, Shops, Warehouses, Cellars, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants Occupiers, or otherwise, for which or upon whom the said Rates are respectively charged, so that the Wages or Allowances to Watchmen or Bedels and other incident Charges cannot be fully satisfied, paid, and discharged in that Year; then and in such Case the Deficiency so happening in the said District shall be carried to the next succeeding Year's Rate, and shall be made good thereout; or if there shall happen to be any Surplus Money collected by such Rates or Assessments aforesaid in the said District in any one Year, such Surplus shall be carried on to the next Year's Account of such Rates, and shall be applied for such Uses and in such Manner as the Rates and Assessment therein collected are by this Act directed to be laid out and applied.

An Account of the Monies collected, to be registred, &c.

XVIII. And be it further enacted by the Authority aforesaid, That an Account of the total Sums assessed, collected, and received within the said District, and of all the Monies paid and disbursed for all or any the Purposes mentioned in this Act, shall be fairly entered in Books to be provided for that Purpose for the said District, and on or before the first Day of November yearly shall be examined and adjusted at a Meeting of the Trustees as aforesaid, assembled at their usual Place of Meeting; which said Books and Accounts shall be lodged in the Hands of the Clerk who shall be appointed by the Trustees, and shall and may at all seasonable Times be inspected and perused by any of the Inhabitants of the said District, who shall desire the same, without Fee or Reward.

Persons hereby rated discharged from Watch and Ward.

XIX. Provided always, and it is hereby enacted and declared, That no Person or Persons who shall be rated to pay any Rate or Rates to be made in pursuance this Act, shall be liable to any Watch or Ward by Virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of the Reign of King Edward the First, or any other subsequent Statute relating thereto, but shall be and are hereby discharged of and from the same.

Trustees how to be chosen.

XX. And it is hereby further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Inhabitants of the said District to meet together upon the first Monday in November, which shall be in the Year of our Lord One thousand seven hundred and forty, at the usual Place of Meeting afore mentioned, between the Hours of Nine and Ten in the Forenoon on the same Day; and also to meet together on the First Monday in November, in every Third Year successively, at the usual Place and Time afore mentioned, and then and there by the Majority of the Inhabitants of the said District to elect and choose Forty of the Inhabitants of the said District, being Persons of good Credit and Character, to be Trustees for the said District for the Purposes of this Act.

Limitation of Actions.

XXI. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any Thing done in pursuance of this present Act, that every such Action or Suit shall be commenced within Six Months next after the Fact committed and not afterwards, and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall be brought may plead the General Issue, and give this Act and the special Matter thereof in Evidence on any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place; that then, and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

XXII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges and Justices and other Persons whatsoever, without specially pleading the same.

CAP. XXVI.

An Act for Relief of Insolvent Debtors.

16 Ms. 341.

Preamble.

WHEREAS many Persons by Losses and other Misfortunes are rendered uncapable of paying their whole Debts, and though they are willing to make the utmost Satisfaction they can, are nevertheless detained in Prison by their Creditors: And whereas such unhappy Debtors have always been deemed the proper Objects of publick Compassion, and by several Acts of Parliament have been discharged: For the Relief therefore of Insolvent Prisoners, who shall faithfully discover upon Oath and deliver up and assign all their Estates and Effects whatsoever for the Benefit of their Creditors, and to prevent as far as possible the many Frauds and Abuses, which in a great Measure have obstructed the good End of such former Acts, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Sheriff or Sheriffs, Gaoler or Keeper of any Prison or Prisons, in any County, Riding, Division, City, Town, and Liberty, within this Kingdom respectively, shall and is or are hereby impowered and required to take and make a true, exact, and perfect List alphabetically of the Name or Names of all and every Person or Persons, who upon the First Day of January, in the Year One thousand seven hundred and thirty six, was or were actually Prisoner or Prisoners in the Custody of any such Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any Prison respectively, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, Sum or Sums of Money, and of the Time when such Prisoner or Prisoners were charged in Custody, together with the Name or Names of the Person or Persons at whose Suit such Prisoner or Prisoners is or are detained; and shall deliver the same to the Justices at their first General or Quarter Sessions of the Peace to be held after the Twenty fourth Day of June, in the Year One thousand seven hundred and thirty seven, for such County, Riding, Division, City, Town, or Liberty respectively, and shall in open Court take an Oath to the Effect following; viz.

Sheriffs and Gaolers to deliver a List of their Prisoners, &c. to the Justices, &c.

and take the following Oath.

I *A. B.* do upon my corporal Oath in the Presence of Almighty God solemnly swear, profess, and declare, That all and every Person and Persons whose Name or Names are inserted and contained in the foregoing List by me now delivered and subscribed, were, to the best of my Knowledge and Belief, upon the First Day of *January*, in the Year of our Lord One thousand seven hundred and thirty six, really and truly Prisoners in the Prison or Gaol of at the Suit or Suits of the several Persons therein respectively mentioned, and that the said List is a true, exact, perfect, and just List of all such Persons as were really and truly Prisoners in the said Gaol or Prison of on the said First Day of *January*, in the said Year One thousand seven hundred and thirty six.

So help me God.

Which Oath the Justices at the said General or Quarter Sessions in open Court are hereby impowered to administer, the Words of which Oath shall be entered or written at the

the End or Bottom of every such List so delivered and subscribed in open Court by every such Sheriff, Gaoler, or Keeper respectively; which List so subscribed and sworn unto shall be kept by the Clerk of the Peace of every such County, Riding, Division, City, Town, or Liberty respectively, for the better Satisfaction of the said Justices and Information of all Creditors, and to be seen without Fee or Reward; and the said Justices at the said General or Quarter Sessions shall order Copies of the said List or Lists to be printed by the Clerk of the Peace, for each of which printed Copies he may take according to the Quantity of the Names therein contained what shall be ordered by the said Justices, not exceeding One Shilling for each List, the same to be paid by such Person or Persons as shall desire such Copy or Copies. To be kept by the Clerk of the Peace.

II. And to the End that no such poor Prisoner may be defeated of his or her Discharge according to the true Intent and Meaning of this Act by having his, her, or their Name or Names left out of the said Lists so to be delivered, be it further enacted by the Authority aforesaid, That all and every such Sheriff and Sheriffs, Gaoler or Gaolers, or Keeper of any Prison, is and are hereby required to fix up in the most conspicuous Place or Places in every such Prison, and at the most frequented and usual Gate, Door, or Entrance into every such Prison, Three or more true Copies of the List or Lists to be delivered at the said General or Quarter Sessions, Ten Days before the said Sessions; and if any such Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any such Prison, shall in any such List to be delivered in as aforesaid neglect or refuse to insert the Name of any Prisoner or Prisoners who was or were in Prison on the said First Day of January, One thousand seven hundred and thirty six, the Person or Persons so neglecting or refusing to insert the same shall for every such Name or Names so omitted incur and be subject to such Penalty or Penalties as are herein after imposed or laid on every such Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers, who shall neglect or refuse to make out, fix up, or deliver such List as aforesaid, to be recovered in the same Manner, and be applied to such Use and Uses as are herein after directed for the Recovery and Application of the Penalty in Case of Neglect or Refusal to make out such Lists as aforesaid. Sheriffs and Gaolers to set up Three or more Lists at the Entrance into the Prisons. Penalty for refusing.

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons whose Name shall be inserted in such Lists to be delivered in as aforesaid who upon the said First Day of January, One thousand seven hundred and thirty six, were actually Prisoners in the Custody of any Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any Prison respectively of this Kingdom, who shall take the Oath herein after mentioned, shall and may be for ever released and discharged from their Imprisonment, in such Manner as hereafter is provided, that is to say, It shall and may be lawful for any Justice or Justices of any County, Riding, Division, City, Town, or Liberty, within this Kingdom (upon the Petition of such Prisoner or Prisoners) by Warrant under his or their Hands and Seals to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any such Prison, within his or their respective Jurisdictions, to bring before the Justices at the next General or Quarter Sessions of the Peace to be held next after the Expiration of Thirty Days from the Date of the said Warrant for such respective County, Riding, Division, City, Town, or Liberty, the Body of any Person being in the said Prison as aforesaid with the Warrant or Warrants of his or her Detainer, together with a Copy or Copies of the Cause or Causes which he, she, or they is or are charged with in the several Gaols and Prisons as aforesaid at the Time aforesaid; which Warrant of the said Justice or Justices every such Sheriff, Gaoler, or Keeper, is hereby commanded to obey; and such Prisoner coming before such Justices at the said General or Quarter Sessions shall in open Court subscribe and deliver in a Schedule of his or her whole Estate and the Names of his or her several Debtors and the several Sums of Money from them respectively secured or owing upon any Specialty, Contract, or other Account whatsoever; and the Names and Places of Abode of the several Persons from whom such Debts are due and owing, and of the Witnesses who can prove such Debts or Contracts (if there be any such) and make Oath and swear to the Effect following; that is to say, Persons inserted in the Lists, and Prisoners, shall be discharged. They are to deliver in a Schedule of their Estates, &c. on Oath.

Prisoner's Oath.

I *A. B.* do upon my corporal Oath in the Presence of Almighty God solemnly swear, protest, and declare, That on the First Day of *January*, in the Year of our Lord One thousand seven hundred and thirty six, I was a Prisoner within the Prison of in the Custody of the Gaoler or Keeper of the said Prison of at the Suit of without my Consent or Procurement, and without any Fraud or Collusion whatsoever; and that the Schedule now delivered and by me subscribed doth contain, to the best of my Knowledge, Remembrance, and Belief, a full, just, true, and perfect Account and Discovery of all the Estate, Goods, and Effects unto me in any wise belonging, and such Debts as are to me owing, or to any Person or Persons in Trust for me, and of all the Securities and Contracts whereby any Money now is or will or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any Person or Persons in Trust for me, and the Names and Places of Abode of the several Persons from whom such Debts are due and owing, and of the Witnesses that can prove such Debts or Contracts; and that neither I, nor any other Person or Persons in Trust for me, have Lands, Money, Stock, or any Estate, Real or Personal, in Possession, Reversion, or Remainder, other than what are in the said Schedule contained (excepting Wearing Apparel, Bedding for myself and Family, Working Tools and necessary Implements for my Occupation and Calling, and these in the whole not exceeding the Value of Ten Pounds) and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in Trust, or concealed, all or any Part of my Land, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or Estates, Real or Personal, whereby to secure the same, or to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors, to whom I am indebted, in any wise howsoever.

So help me God.

And which said Schedule being so subscribed in the Presence of the Justices in open Court and Sessions aforesaid is to remain with the Clerk of the Peace for the better Information of all the Creditors of such Prisoners; and all the Estate, Right, Title, Interest, and Trust of such Prisoner, of, in, and unto such Real Estate, as well Copy or Customary-hold,

Schedule vested in the Clerk of the Peace,

hold, as Freehold, and such Personal Estate, Debts, and Effects, contained in such Schedule as aforesaid, shall, immediately after the Discharge of such Prisoner be and is hereby vested in the Clerk of the Peace of and for the County, Riding, City, or Town Corporate, who is hereby directed and authorized, by Order of the Justices at their General or Quarter Sessions of the Peace to make an Assignment of the said Estate and Effects to

who is to assign it to the Creditors,

such of the Creditors of the said Prisoner, as the major Part of the said Creditors of the said Prisoner, who shall apply for the same, by any Writing under their Hands shall direct or appoint (for which Assignment the said Clerk of the Peace shall take a Fee of Two Shillings and no more) in Trust for themselves and the rest of the Creditors; which said Assignee or Assignees is and are hereby impowered to sue in his, her, or their own Name or Names for and to recover and receive the same, and to give sufficient Discharge and Discharges to each respective Debtor or Debtors, and fully to divide the said Prisoner's Estate and Effects, or the Monies arising from the Sale or Disposition thereof (such Sale or Disposition

to be divided among the Creditors.

to be approved of by the major Part of the said Creditors in Writing as aforesaid) among the Creditors of such Prisoner, who within One Month after Notice of such intended Dividend be published in the London Gazette shall produce to such Assignee or Assignees an Affidavit made before One or more Justice or Justices of the Peace, who is and are hereby impowered to take the same, proving his or her Debt due from the said Prisoner so discharged, in equal Proportions according to their respective Debts, and after the same is recovered and received, to render the Overplus, if any be (their own Debts and Charges first deducted) to the Prisoner, his Executors, or Administrators.

Assignees of Copyhold Estates to agree with the Lord of the Manor.

IV. Provided always, That all and every such Assignee and Assignees of every Copyhold or Customary Estate of such Prisoner as aforesaid shall, before such Time as he or they, or any of them, shall enter or take any Profit thereof, agree and compound with the Lord or Lords of the Manor or Manors of whom the same shall be holden, for such Fine or Income upon any Surrender and Admission, as heretofore have been most usual and accustomed to

On such Agreement, Lord to grant to the Assignees the Copyhold.

be paid; and that upon every such Agreement or Composition the said Lord or Lords for the time being at the next Court to be holden for the said Manor or Manors shall grant unto the said Assignee or Assignees the said Copyhold or Customary Estate by Copy of Court Roll according to the Custom of the said Manor or Manors, for and during the Estate or Interest to him or them so assigned as aforesaid, reserving the Rents, Duties, Heriots, Customs, and Services to which the said Copyhold or Customary Estate was liable and subject to at the Time of the said Assignment, and shall also at the same Court admit the said Assignee or Assignees Tenant or Tenants of the same according to the Custom of the said Manor or Manors.

Not to affect any Estate in Expectancy.

V. Provided also, That nothing herein before contained shall extend to prejudice or affect any Estate, Interest, or Right whatsoever, of any other Person or Persons than the said Prisoner, which may be expectant upon, or subsequent unto, the Estate or Interest of the said Prisoner hereby vested in the said Clerk of the Peace; but that the Estate, Interest, and all Rights whatsoever, of every such other Person or Persons as aforesaid shall remain and continue in the same Manner, as if this Act had not been made.

Rent due from a Prisoner to be transferr'd to the Landlord.

VI. Provided always, and be it enacted by the Authority aforesaid, That where any Rent, not exceeding Two Years Rent, shall be due to any Person or Persons from such Prisoner or Prisoners at the Time of his or their respective Discharges, or in respect of any Messuage, Lands, or Tenements, then in Lease to such Prisoner or Prisoners respectively, for Life or Lives, for Years, at Will, or otherwise, no Goods or Chattels then lying or being in or upon the respective Tenements so in Lease, or liable to be distrained, shall be assigned by the Clerk of the Peace in Manner aforesaid, but shall by such Clerk of the Peace be transferred to such Landlord or Landlords, or some Person or Persons intrusted for him or them respectively, towards Satisfaction of the Rent then due, not exceeding Two Years Rent as aforesaid, unless the Person or Persons to whom such Assignment shall be made by such Clerk of the Peace shall by Writing under his or their respective Hands and Seals before such Assignment agree to pay or satisfy to such Landlord or Landlords the Rent to him or them respectively due not exceeding Two Years Rent as aforesaid, to the Intent that such Landlord or Landlords may be satisfied the Rent or Rents to him or them respectively due, before any Division of the Estate or Effects of such Prisoner or Prisoners among his other Creditors, in like Manner as he or they might be satisfied the Rent to him or them respectively due before the Removal of such Goods or Chattels by Virtue of an Execution by Force of the Statute made in the Eighth Year of her late Majesty's Reign, intituled, An Act for the better Security of Rents, and to prevent Frauds committed by Tenants; any thing herein before contained to the contrary thereof in any wise notwithstanding.

This Act not to extend to Mortgages,

nor to prevent any Statute Staple, &c.

VII. Provided also, and be it enacted by the Authority aforesaid, That nothing in this Act shall extend or be construed to hinder or prevent any Mortgage or Mortgages upon the Estate of such Prisoner or Prisoners, or any Part thereof, to take Place upon the Lands, Tenements, or Hereditaments comprized in such Mortgage or Mortgages respectively; nor to prevent any Statute Staple, Statute Merchant, Recognizance, or Judgement acknowledged by or obtained against any such Prisoner or Prisoners, to take Place upon the Lands, Tenements, or Real Estate of such Prisoner or Prisoners; and also where any Inquisition shall have been taken upon any such Statute or Recognizance, or any Writ of Execution shall have been taken out and delivered to the Sheriff or proper Officer upon any such Judgement, before such Assignment made by the Clerk of the Peace as aforesaid, upon his or their Personal Estates respectively, preferably and prior to any Division of the Estate and Effects of such Prisoner or Prisoners among his other Creditor or Creditors, for so much as shall remain really due upon any such Mortgage, Statute, Recognizance, or Judgement respectively, in like Manner as such Mortgages and Creditors by Statute, Recognizance, or Judgement, would have been preferred to other Creditors of an inferior Nature against the Real or Personal Estate of such Prisoner and Prisoners respectively, if this Act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

VIII. And

VIII. And be it further enacted by the Authority aforesaid, That the Justice or Justices who shall grant such Warrant or Warrants for bringing such Prisoner or Prisoners before the Justices at the General or Quarter Sessions, shall give a Writing importing Notice to all the Creditors of such Prisoner or Prisoners petitioning as aforesaid, under his or their Hands and Seals, that he or they hath or have granted such Warrant, and that the said Prisoner or Prisoners have or hath petitioned to be discharged; and the said Notice shall be left for or served upon the Person or Persons, his or their Executors or Administrators, or some or one of them, or his or their Attorney or Agent lawfully authorized; or the same or a true Copy thereof shall be left at the Dwelling-house, or usual Place of abode of the said Person or Persons, or with the Attorney, Solicitor, or Agent last employed in the Cause or Causes, by the said Plaintiff or Plaintiffs at whose Suit the Prisoner or Prisoners shall be imprisoned; and every Prisoner confined in Prison within the City of London or Weekly Bills of Mortality shall cause the like Notice to be given to every other Creditor inhabiting or otherwise residing within the said City or Weekly Bills; and also that the like Notice shall be given to every other Creditor inhabiting or otherwise residing within Ten Miles of the Prison where such Prisoner shall be in Custody; which said Notice shall be left with or served on the Person or Persons as before directed Thirty Days before such General or Quarter Sessions appointed by the said Warrant; and publick Notice shall also be inserted in the London Gazette, containing the Name, Trade, or Occupation, and last Place of abode, of every Prisoner, and of the Prison wherein he or she is confined, and of his or her Intention to take the Benefit of this Act, for which there shall be paid One Peny for each Name and no more, Thirty Days before such General or Quarter Sessions appointed as aforesaid by the said Warrant; so that as well all the said Creditors as have not charged the said Prisoner or Prisoners in Custody, as those Creditors which have, shall have sufficient Notice as aforesaid; and the said Prisoner or Prisoners may appear before the Justices at the General or Quarter Sessions to be held for the same County, Riding, Division, City, Town, or Liberties, as aforesaid; and in case it shall be proved upon Oath before the said Justices, that the said Notice was so served or left as aforesaid, and publick Notice inserted in the London Gazette Thirty Days before the said General or Quarter Sessions, and that the said Person so petitioning was actually a Prisoner as aforesaid on the said First Day of January, in the said Year One thousand seven hundred and thirty six, and the said Oath taken by the said Prisoner be not disproved by good Testimony of any credible Person or Persons on Oath to be administred by the said Justices, then the said Justices in their said General or Quarter Sessions, or the major Part of them, being satisfied therewith, shall thereupon by Order of the said Sessions command the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any such Prison or Prisons, forthwith to set at Liberty such Prisoner without having or taking any Fee or Reward, other than One Shilling for his or their Attendance with such Prisoner at such General or Quarter Sessions in order for his or her Discharge; which Sum of One Shilling such Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of such Prison, are hereby authorized and impowered to receive and take for the Purposes aforesaid, and no more; which Order shall be a sufficient Discharge to the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of such Prison or Prisons, and shall indemnify him or them against any Escape or Escapes, or Action or Actions whatsoever, which shall or may be brought, commenced, or prosecuted, against him or them by Reason thereof.

Justices who grant Warrants for bringing Prisoners to the Quarter Sessions, shall give Notice to be served on the Creditors.

Prisoners to give like Notice to the Creditors,

and publick Notice in the *Gazette*, 30 Days before the Sessions.

The Prisoner's Oath not being disproved, &c. the Justices are to discharge him.

IX. And be it further enacted by the Authority aforesaid, That any Court of General or Quarter Sessions, which pursuant to the true Intent and Meaning of this Act shall make any Order for the Discharge of any Prisoner or Prisoners aforesaid, shall, if required by any Creditor or Creditors who shall oppose such Prisoner's Discharge, administer and give such Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of such Prison or Prisons, wherein the said Prisoner or Prisoners is or are, an Oath to the Effect following; that is to say,

Court, if required by the Creditor, to administer an Oath to the Gaoler.

I *A. B.* do swear, That was really and truly my Prisoner, in my Custody in the Prison of to the best of my Knowledge and Belief, at or upon the said First Day of *January*, in the Year of our Lord One thousand seven hundred and thirty six; and the Warrant or Warrants of his or her Detainer, and the Copy or Copies of the Cause or Causes now by me brought with the Body of the said is the Warrant of his or her Detainer, and is or are a true Copy or Copies, without any Fraud or Deceit by me or by any other to the best of my Knowledge.

So help me God.

Gaoler's Oath.

X. Provided always, and be it enacted by the Authority aforesaid, That if such Person or Persons as was the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of such Gaol or Prison, on the said First Day of January, One thousand seven hundred and thirty six, shall not happen to be Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of such Gaol or Prison, at the Time of making such Order; that the said General or Quarter Sessions, if required as aforesaid, shall administer and give to such Persons as shall be Sheriffs, Gaoler, or Keeper of such Prison or Prisons, at the Time of making such Order, an Oath touching the Commitments, or Books of Commitment, to the Effect following; that is to say,

Gaolers, who were not so on 1 *Jan.* 1736, to take the following Oath.

I *A. B.* do swear, That I have examined the Commitments or Books kept of or concerning the Commitment of Prisoners to the Prison of in the County of and I verily believe that the said Commitments or Books of Commitment are really true, and not fictitious, nor calculated for this Purpose; and by them it does appear, that was on the said First Day of *January*, which was in the Year of our Lord One thousand seven hundred and thirty six, really and truly a Prisoner in the Custody of the then Sheriff, Gaoler, or Keeper of the said Prison, without Fraud or Deceit by me or the said or any other Person or Persons, to my Knowledge.

So help me God.

The Oath.

XI. And

XI. And whereas great Numbers of Workmen skilful in the ſeveral Trades and Manufactures of this Kingdom and alſo many able Seamen and Mariners finding themſelves unable to ſatisfy the whole of their reſpective Debts and dreading the Miſeries of a Gaol have choſe to leave their Employments and native Country, and have entered themſelves in Foreign Service: And whereas their Continuance Abroad muſt be of great Prejudice to the Trade of this Kingdom; in order therefore to induce and enable ſuch Perſons to return, be it enacted by the Authority aforeſaid, That all and every Debtor and Debtors, who was or were actually beyond the Seas in Foreign Parts, on the Firſt Day of January, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, who ſhall return and ſurrender himſelf or themſelves unto the Gaoler or Gaolers, Keeper or Keepers of the Priſons of the King's Bench, Marſhalſea, or Fleet, or to the Priſon or Priſons of ſuch County or Counties where ſuch Debtor or Debtors laſt dwelt for the Space of Six Months (which ſaid Gaoler or Gaolers, Keeper or Keepers, are hereby required and impowered to receive and detain ſuch Debtor or Debtors ſurrendring as aforeſaid in order to their Diſcharge as herein after mentioned) ſhall from and immediately after ſuch Surrender as aforeſaid be deemed a Priſoner or Priſoners within and be to all Intents and Purpoſes intitled to the Benefit of this Act; and ſhall upon due Proof of the ſaid Premiſſes by the Oath of ſuch Debtor or Debtors (not diſproved by any credible Witneſs) be diſcharged in the ſame Manner, as if he or they had been actually in Priſon on the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix, and continued therein as aforeſaid; ſubject nevertheleſs to the ſame Reſtrictions and Proviſions, and upon Compliance with the ſame Terms, Conditions, and Qualifications herein before impoſed upon the ſaid Priſoners in actual Cuſtody upon the ſaid Firſt Day of January, in the ſaid Year One thouſand ſeven hundred and thirty ſix, and alſo ſubject to the Terms and Proviſions relating to the Eſtate and Effects of ſuch Priſoners as aforeſaid (excepting only ſuch Particulars thereof as require the Name of a Priſoner to be inſerted in the Sheriff's, Gaoler's, or Keeper's Liſt as aforeſaid, or relate to the Oaths of ſuch Sheriff, Gaoler, or Keeper herein before appointed to be taken; and alſo ſo much thereof as requires Notice to be ſerved upon the Perſon or Perſons at whoſe Suit or Suits ſuch Priſoner is confined; which Particulars cannot poſſibly be applied to the Caſe of Perſons ſurrendring themſelves as aforeſaid; and alſo except the ſaid Oath herein before appointed to be taken by Priſoners in Cuſtody upon the ſaid Firſt Day of January, in the ſaid Year One thouſand ſeven hundred and thirty ſix) inſtead whereof the ſaid Perſon or Perſons ſo ſurrendring ſhall take an Oath to the Effect following, which the ſaid Juſtices authorized to put this Act in Execution are hereby required and impowered to adminiſter in ſuch Manner as the Oaths herein before mentioned are to be adminiſtred.

Debtors having ſerved an Apprenticeſhip, or employed in any Trade, or in the Sea Service, and actually beyond Sea, may ſurrender themſelves, and be intitled to the Benefit of the Act,

but ſubject to the ſame Reſtrictions as the other Priſoners.

Their Oath.

I *A. B.* do, upon my corporal Oath, in the Preſence of Almighty God, ſolemnly ſwear, proteſt, and declare, That I was actually on the ſaid Firſt Day of *January*, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, beyond the Seas in Foreign Parts, *viz.* at and that the Schedule now delivered, and by me ſubſcribed, doth contain, to the beſt of my Knowledge, Remembrance, and Belief, a full, juſt, true, and perfect Account and Diſcovery of all the Eſtate, Goods, and Effects unto me in any wiſe belonging, and ſuch Debts as are to me owing, or to any Perſons in Truſt for me, and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Uſe, or to any Perſon or Perſons in Truſt for me; and the Names and Places of abode of the ſeveral Perſons from whom ſuch Debts are due and owing, and of the Witneſſes that can prove ſuch Debts or Contracts; and that neither I, nor any other Perſon or Perſons in Truſt for me, have Land, Money, Stock, or any Eſtate, Real or Perſonal, in Poſſeſſion, Reverſion, or Remainder, other than what are in the ſaid Schedule contained (excepting Wearing Apparel, Bedding for myſelf and Family, Working Tools, and neceſſary Implements for my Occupation and Calling, and theſe in the whole not exceeding the Value of Ten Pounds) and that I have not directly or indirectly ſold, leſſened, or otherwiſe conveyed, diſpoſed of in Truſt, or concealed, all or any Part of my Land, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or Eſtates, Real or Perſonal, whereby to ſecure the ſame to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted, in any wiſe howſoever.

So help me God.

100 *l.* Penalty on Gaolers not complying with the Act,

and Printer of the *London Gazette.*

XII. And be it further enacted by the Authority aforeſaid, That if any Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any Priſon, ſhall, without juſt Cauſe to be approved by the ſaid Juſtices, refuſe or delay to bring any ſuch Priſoner or Priſoners as aforeſaid (although in Execution) to the ſaid General or Quarter Seſſions in order to his or her Diſcharge, or ſhall neglect or refuſe to make out and deliver ſuch Liſts as aforeſaid, or take any of the ſaid Oaths before mentioned; or ſhall upon any Account or Pretence whatſoever take or receive more than the ſaid Sum of One Shilling herein before allowed for his or her Attendance in order to be diſcharged of ſuch Priſoner or Priſoners as aforeſaid, or ſhall detain the Priſoner after he or ſhe ſhall be diſcharged as aforeſaid; or if the Printer of the London Gazette ſhall neglect or refuſe to inſert therein the Name, Trade, Occupation, and laſt Place of abode of ſuch Priſoner, on a reaſonable Requeſt to him made for that Purpoſe, or ſhall take or receive any Fee or Gratuity more than One Peny as aforeſaid for ſo doing; every ſuch Sheriff, Gaoler, and Keeper of ſuch Priſon and Priſons, and ſuch Printer of the London Gazette, ſhall reſpectively forfeit and pay to each Priſoner the Sum of One hundred Pounds, which ſhall and may be recovered with Treble Coſts of Suit by Action of Debt, Bill, Plaint, or Information in any of the Courts at Weſtminſter, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed.

Gaolers forſwearing themſelves, forfeit 500 *l.*

XIII. And be it further enacted by the Authority aforeſaid, That if any ſuch Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any Priſon, ſhall in taking any of the aforementioned Oaths forſwear or perjure himſelf, and ſhall be thereof lawfully convicted, ſuch Sheriff, Gaoler, or Keeper of ſuch Priſon or Priſons (over and above ſuch Penalties as may be inflicted on Perſons convicted of Perjury) ſhall upon every ſuch Conviction forfeit and pay the Sum of Five hundred Pounds, to be recovered with full Coſts by Bill, Plaint, or Information, or Action of Debt, in any of His Majeſty's Courts at Weſtminſter, wherein

no Eſſoign, Protection, Wager of Law, or other Delay to be allowed, by and in the Name of ſuch Perſons, their Executors, and Adminiſtrators, as ſhall in purſuance of this Act be appointed Aſſignees of the Eſtate and Effects of the Priſoner or Priſoners, for diſcharging of whom ſuch Perjury ſhall be committed; and for want of ſuch Aſſignees, in the Name or Names of any other Creditor or Creditors, who will ſue for the ſaid Penalties, to be applied, One Moiety to the Informer or Informers, and the other Moiety towards Satisfaction of the Debts of ſuch his Creditor and Creditors.

Gaolers inſerting wrong Names in their Liſts, forfeit 200*l.*

XIV. And be it further enacted by the Authority aforeſaid, That if any Perſon who now is or was on the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix, Sheriff, Gaoler, or Keeper of any Priſon, ſhall inſert in any Liſt or Liſts delivered in as aforeſaid the Name or Names of any Perſon or Perſons who was or were not Priſoner or Priſoners actually in Cuſtody on the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix, according to the Tenor of the ſaid Oath taken at the Time of delivering in ſuch Liſts; every ſuch Sheriff, Gaoler, or Keeper ſhall for every Name ſo inſerted as aforeſaid forfeit and pay the Sum of Two hundred Pounds, to be recovered in the ſame Manner, and applied to the ſame Uſe or Uſes, as is herein before directed for the Recovery of the Penalty and Forfeiture in caſe of Conviction of Perjury.

Clerk of the Peace not giving a Duplicate to Priſoner of his Diſcharge, forfeits 20*l.*

XV. And be it further enacted by the Authority aforeſaid, That if any Clerk of the Peace ſhall delay or refuſe to give every or any ſuch Priſoner ſo diſcharged as aforeſaid, within Sixty Days after his or her Diſcharge, a Duplicate of his or her Diſcharge, on the Payment of Two Shillings and Six Pence, or ſhall take more than the ſaid Sum of Two Shillings and Six Pence for ſuch Duplicate, ſhall forfeit and pay to every ſuch Priſoner the Sum of Twenty Pounds, to be ordered to be paid by the Juſtices of the Peace at their General Quarter Seſſions of the Peace, who are hereby impowered to levy the ſame by Diſtreſs and Sale of the Goods of the Perſon ſo offending.

Priſoner forſwearing himſelf, guilty of Felony.

XVI. And be it further enacted by the Authority aforeſaid, That if any Priſoner as aforeſaid, or any Perſon or Perſons enabled to take the Benefit of this Act, ſhall forſwear or perjure himſelf, herſelf, or themſelves, in any of the Matters aforeſaid, and ſhall be thereof lawfully convicted of wilful Perjury; he or ſhe ſhall be adjudged a Felon, and ſuffer as ſuch without Benefit of Clergy.

Priſoner diſcharged for Debts before 1 *Jan.* 1736. ſhall not be impriſoned for the ſame again.

XVII. And be it further enacted by the Authority aforeſaid, That no Perſon to be diſcharged by this Act ſhall at any Time hereafter be impriſoned by Reaſon of any Judgement or Decree obtained for Payment of Money only, or for any Debt, Damages, Contempts, Coſts, Sum or Sums of Money, contracted, incurred, occaſioned, owing or growing due before the ſaid Firſt Day of January, in the ſaid Year One thouſand ſeven hundred and thirty ſix, with Reſpect to the Priſoners then actually in Priſon, or with Reſpect to Debtors beyond Sea who are intitled to the Benefit of this Act; but that upon every Arreſt upon every Judgement, or ſuch Decree, or for ſuch Debts, Damages, Contempts, Coſts, Sum and Sums of Money, it ſhall and may be lawful for any Judge of the Court where the Proceſs iſſued, upon ſhewing the Duplicate of ſuch Priſoners Diſcharge or Diſcharges, to releaſe and diſcharge out of Cuſtody ſuch Priſoner or Priſoners as aforeſaid; and the Judge is hereby impowered ſo to do; ſo as every ſuch Priſoner or Priſoners arreſted or detained upon Execution or mean Proceſs do give a Warrant of Attorney to appear to every ſuch Action, and to plead thereunto.

General Iſſue.

XVIII. And be it further enacted by the Authority aforeſaid, That if any Action of Eſcape, or any Suit or Action be brought againſt any Juſtice or Juſtices of the Peace, Sheriff, Gaoler or Keeper of any Priſon, for performing their Office in purſuance of this Act, they may plead the General Iſſue, and give this Act in Evidence; and if the Plaintiff be nonſuited, or diſcontinue his Action, or Verdict paſs againſt him, or Judgement upon Demurrer, the Defendant ſhall have Treble Coſts.

Diſcharge of Priſoners not to acquit any other.

XIX. Provided, That the Diſcharge of any Perſon by virtue of this Act ſhall not acquit any other Perſon from ſuch Debt, Sum or Sums of Money, or any Part thereof; but that all others ſhall be anſwerable for the ſame in ſuch Manner as they were before the paſſing this Act.

Judgements to ſtand good againſt his Lands, &c.

XX. Provided always, and be it enacted by the Authority aforeſaid, That notwithſtanding the Diſcharge of the Perſon of ſuch Priſoner or Priſoners as aforeſaid, all and every Debt or Debts due or owing from the ſaid Priſoner or Priſoners, and all and every Judgement or Judgements had and taken and Decree obtained againſt him or her ſhall ſtand, and be good and effectual in the Law to all Intents and Purpoſes againſt the Lands, Tenements, and Hereditaments, Goods and Chattels of the ſaid Priſoners ſo diſcharged as aforeſaid, which he, ſhe, or they, or any other Perſon or Perſons in Truſt for him, her, or them, at the Time of ſuch Diſcharge hath or have, or at any Time hereafter ſhall or may be any Ways ſeized or poſſeſſed of, intereſted in, or intitled to, either in Law or Equity; except his, her, or their Wearing Apparel, Bedding for his, her, or their Families, and Working Tools, and Implements neceſſary for his, her, or their Occupations, not exceeding the Value of Ten Pounds in the whole; and it ſhall and may be lawful to and for ſuch Creditor or Creditors of ſuch Priſoner or Priſoners ſo diſcharged as aforeſaid, his, her, or their Executors or Adminiſtrators, to take out a new Execution againſt the Lands, Tenements, Hereditaments, Goods, and Chattels of ſuch Priſoner or Priſoners (except as before excepted) for the Satisfaction of his, her, or their Debts, in ſuch Sort, Manner, and Form, as he, ſhe, or they might have done, if the Perſon or Perſons of ſuch Priſoner or Priſoners had never been taken in Execution; any Act, Statute, Law, or Cuſtom to the contrary in any wiſe notwithſtanding.

Perſons diſcharged may plead generally in Diſcharge of their Perſons from Execution.

XXI. Provided alſo, That it ſhall and may be lawful for any Perſon diſcharged by this Act, in caſe any Scire facias or Action of Debt ſhall be brought againſt him or her upon any Judgement obtained againſt him or her, or Statute or Recognizance acknowledged by him or her, before the ſaid Firſt Day of January, in the ſaid Year One thouſand ſeven hundred and thirty ſix, with reſpect to Priſoners in actual Cuſtody, or with reſpect to Debtors beyond the Sea as aforeſaid upon the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix, to plead generally in Diſcharge of his or her Perſon or Perſons from Execution,

cution, that he or she was actually a Prisoner in such a Prison at such a Person's Suit, or was or were beyond the Seas in foreign Parts, on the said First Day of January, in the said Year One thousand seven hundred and thirty six, and was or were duly discharged according to this Act at the General or Quarter Sessions held at such Time and Place for such County, Riding, Division, Liberty, City, Town, or Place (as his, her, or their Case is) without pleading any Matter specially; and in case any other Action or Suit shall be commenced against him, her, or them, for any other Debt, Sum or Sums of Money due before the said First Day of January, in the said Year One thousand seven hundred and thirty six, to plead in Discharge of his or her Person from Execution (over and above such Matters as aforesaid) that such Debt or Sum of Money (as the Case shall happen) was contracted or due before the said First Day of January, in the said Year One thousand seven hundred and thirty six, without pleading any other Matter specially; whereto the Plaintiff shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing, which may shew the said Defendant not to be intitled to the Benefit of this Act, or not duly discharged according to it, in the same Manner as the Plaintiff might have replied, in case the Defendant had pleaded this Act and his Discharge by virtue of this Act specially; and if the Plaintiff be nonsuited, or discontinue his Action, or Verdict pass against him, or Judgement on Demurrer, the Defendant to have Treble Costs.

Plaintiff may reply generally, and deny the Matters pleaded.

Not to extend to *Scotland*.

XXII. Provided always, That this Act shall not extend to that Part of Great Britain called Scotland.

Gaoler to permit Persons to see those whose Names are in the Lists, &c.

XXIII. And be it further enacted by the Authority aforesaid, That every Sheriff, Gaoler, or Keeper of any Prison, shall and is hereby required to suffer in the Day-Time any Person or Persons desiring the same, to see and speak within the Lodge, or some convenient Room of the said Prison, any Prisoner or Prisoners, whose Names are inserted in the aforementioned List or Lists, or London Gazette, or either of them, or any Persons surrendering themselves pursuant to this Act; and also to see in the true and genuine Books of the said Prison the Entries made of the Name or Names of such Prisoner or Prisoners, together with the Name or Names of the Person or Persons at whose Suit or Suits, he, she, or they are detained; and if any such Sheriff, Gaoler, or Keeper shall neglect or refuse to comply with what is here above required, such Sheriff, Gaoler, or Keeper, shall forfeit and pay to the Person so refused and aggrieved the Sum of Forty Pounds, over and above all other Penalties provided by any other former Law now in Being, to be recovered with full Costs of Suit by Action of Debt, Bill, Plaint, or Information, in any of the Courts at Westminster, wherein no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed.

Prisoner not declaring the Person at whose Suit he is detained, or not coming, to receive no Benefit by the Act.

XXIV. And be it further enacted by the Authority aforesaid, That if any Prisoner, being thereunto required by any Creditor, shall refuse to discover and declare the Trade or Occupation, and Habitation, or last Place of Abode of the Person or Persons at whose Suit he or she are detained; or being called for shall refuse to come to the Lodge of the Prison where he or she is detained, shall, upon Proof thereof before the Justices at the General or Quarter Sessions, be uncapable of receiving any Benefit by this Act; any thing herein contained to the contrary thereof in any wise notwithstanding.

Gaoler making false Entries, forfeits 1,000 *l.*

XXV. And be it further enacted by the Authority aforesaid, That if any Sheriff, Gaoler, or Keeper of any Prison or Prisons, shall make or cause to be made any false Entries in any Book or Books belonging to the said Prison, or shall prepare or keep or cause to be prepared and kept any false Books in order for such false Entries, such Sheriff, Gaoler, or Keeper, shall, over and above the Penalties which may be inflicted for such Fraud, Forgery, or Corruption, forfeit and pay the Sum of One thousand Pounds, to be recovered with treble Costs of Suit, by and in the Name of any Person or Persons who will sue for the same, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Petitioner to leave with the Justices a Copy of his intended Discovery.

XXVI. Provided also, and be it enacted by the Authority aforesaid, That all and every Prisoner and Prisoners petitioning to be discharged by this Act, shall at the Time of such petitioning leave with the Justice or Justices petitioned a true Copy of the Schedule containing his intended Discovery, to be sworn unto at the General or Quarter Sessions aforesaid; which Copies shall be transmitted to the respective Clerks of the Peace, and there to be seen without Fee or Reward by any Creditor desiring the same.

Justices of *York* and *Lincoln* to meet at the Common Gaols of the Counties for discharge of Prisoners.

XXVII. And whereas there is but one Common or County Gaol for each of the respective Counties of *York* and *Lincoln*, which Counties are each of them divided into Three several Ridings or Divisions, all which have several Commissions of the Peace; and if the Gaolers of those Gaols be obliged to carry the Debtors Prisoners therein to the Quarter Sessions of each Riding or Division, the same will be a very great Charge, not only to such Gaolers, but also to the Prisoners in those large Counties; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for Two or more Justices of the Peace for each of the said Ridings and Divisions in their respective Counties, at the Common or County Gaol thereof respectively, to assemble and meet, and to hold Session there by Adjournment from their respective Quarter Sessions, from time to time, for the Discharge of the respective Prisoners therein, according to the Powers, Limitations, and Directions of this present Act.

Debtors in Gaols only for Fees, discharged.

XXVIII. And be it further enacted by the Authority aforesaid, That all Debtors and others, who were in Prison on or before the said First Day of January, in the Year of our Lord One thousand seven hundred and thirty six, in the several Gaols of this Kingdom, for want of paying their Fees, Rents, Charges, or any other Demands due to the Keeper or Gaoler of any Prison respectively, or to any other Officer (and upon no other Account) shall be discharged; he, she, or they taking the Oath required by this Act to be taken by Prisoners.

Not to discharge Debtors to the Crown, or owing above 500 *l.* to one Person;

XXIX. Provided always, That this Act shall not extend to discharge any Person out of Prison, seeking his or her Discharge under this Act, with respect to any Debt with which he or she shall stand charged at the Suit of the Crown, or shall be indebted to any one

Person

Perſon in any Sum exceeding the Sum of Five hundred Pounds beſides Intereſt and Coſts; and if any ſuch Creditor, to whom a Sum exceeding Five hundred Pounds ſhall be owing, ſhall oppoſe the Diſcharge of ſuch Priſoner, and ſhall inſiſt that ſuch Priſoner be continued in Gaol; and that then and in ſuch Caſe ſuch Creditor or Creditors oppoſing the ſaid Priſoner's Diſcharge as aforeſaid ſhall at his, her, and their proper Coſts and Charges allow and pay ſuch a weekly Maintenance to the ſaid Priſoner, not exceeding Three Shillings and Six Pence per Week, in ſuch Manner as the ſaid Juſtices in their General Quarter Seſſions ſhall order and appoint; and upon Non-payment of the ſame for the Space of Six Weeks the ſaid Priſoner upon Application to the ſaid Juſtices in their General Quarter Seſſions ſhall be diſcharged purſuant to the Intent and Meaning of this Act.

Prop. Amendment No.

But Creditor to allow 3 *s.* 6 *d.* *per* Week for his Maintenance.

XXX. Provided alſo, That every Perſon or Perſons intitled or to be intitled to the Benefit of this Act, ſhall obtain their reſpective Diſcharges on or before the Twenty fifth Day of December, in the Year of our Lord One thouſand ſeven hundred and thirty eight, or be for ever excluded from all Benefit thereof.

Diſcharges to be obtained before 1 *January*, or excluded.

XXXI. And whereas ſeveral Perſons who were confined in Priſon on the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, may have been removed to ſome other Priſon by Proceſs of Law; be it enacted, That the Gaoler of the Priſon wherein any ſuch Priſoner was confined on the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix, ſhall make Affidavit of ſuch Confinement, and ſhall tranſmit ſuch Affidavit to be atteſted on Oath at the Seſſions where ſuch Priſoner may claim to be diſcharged; and it ſhall and may be lawful for the Juſtices of the Peace at ſuch Seſſions as aforeſaid, upon ſuch Oath as aforeſaid, and upon ſuch Priſoners performing all other Matters required in this Act, to diſcharge ſuch Priſoner.

Priſoners removed from one Priſon to another, both Gaolers to make Affidavit.

XXXII. And whereas the Priſons of the *Fleet* and *King's Bench*, being the Priſons of and belonging to the ſuperior Courts, and for the moſt Part containing ſuch Priſoners as have brought themſelves thither by *Habeas Corpus* from other Priſons, or have ſurrendered themſelves into Cuſtody in Diſcharge of their Bail, which could not be done without their own Conſent or Procurement; be it therefore enacted by the Authority aforeſaid, That every Perſon ſo coming to either of thoſe Priſons, either by Habeas Corpus, or voluntary Surrender in Diſcharge of Bail, and being qualified to take the Benefit of this Act in all Reſpects according to the true Intent and Meaning thereof, ſhall be diſcharged, or intitled to any other Benefits ariſing thereby, on taking the Oath that is herein preſcribed for each Priſoner to take, omitting only the Words, without my Conſent or Procurement, and with reſpect to their being a Priſoner or Priſoners in either of the Priſons above mentioned only; any thing herein contained to the contrary notwithſtanding.

Priſoners in the *Fleet* or *King's Bench*, to have the Benefit of the Act.

XXXIII. And whereas it may happen that ſeveral Perſons, who may claim and be intitled to the Benefit of this Act, are ſeized of an Eſtate Tail in any Freehold or Copyhold Lands, Tenements, or Hereditaments; which Intail, with the Remainders thereupon expectant, they have by Law, Power to defeat and bar, either by levying a Fine or Fines, ſuffering a Common Recovery or Common Recoveries, or by Surrender or Surrenders thereof; and thereby ſuch Perſon or Perſons ſaid Freehold or Copyhold Lands, Tenements, and Hereditaments, ſhould be liable to the Payment of their Debts, and be delivered up according to the Terms of this Act for the Benefit of their Creditors; be it therefore enacted by the Authority aforeſaid, That in every ſuch Caſe ſuch Perſon or Perſons ſo ſeized as aforeſaid, and who ſhall be intitled unto and claim the Benefit of this Act, ſhall to all Intents and Purpoſes whatſoever in Law be deemed and taken and is and are hereby declared to be ſeized of ſuch Lands, Tenements, and Hereditaments in Fee-ſimple; and the ſame ſhall be delivered up to the Creditor or Creditors, in the ſame Manner as if ſuch Perſon or Perſons had actually levied a Fine or Fines, ſuffered a Common Recovery or Recoveries, or made a Surrender or Surrenders thereof, and thereby had become ſeized in Fee-ſimple; any Law or Conſtruction of Law to the contrary thereof in any wiſe notwithſtanding.

Perſons ſeized of an Eſtate Tail claiming the Benefit of the Act, to deliver the ſame to their Creditors.

XXXIV. And whereas many Priſoners who may be intitled to and may claim the Benefit of this Act, have been great Dealers, or otherwiſe engaged in large Tranſactions, whereby they may be intitled to ſundry and great Debts and Demands of various and intricate Natures, or they may be intitled to Equities of Redemption of Eſtates, ſubject and liable to Mortgages, Judgements, or other Incumbrances, or to Reverſions, Remainders, or other contingent Eſtates, in Lands, Tenements, or Hereditaments, or to other Truſts or Intereſts in Eſtates, both Real and Perſonal, which may not be ſufficiently deſcribed or diſcovered in the Schedule or Inventory before directed to be delivered in upon Oath by the Priſoner to be diſcharged as aforeſaid, or which may want his Aid or Aſſiſtance to adjuſt, make out, recover, or manage for the Benefit of the Creditors; be it therefore provided and enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the reſpective Aſſignees of the Eſtate and Effects of ſuch Priſoner or Priſoners who ſhall obtain his, her, or their Diſcharge in purſuance of this Act, or any other Perſon or Perſons duly authorized by them for that Purpoſe, from time to time to apply to any Two or more of the Juſtices of the Peace for the County, Riding, Diviſion, City, Town, or Liberty where ſuch Priſoner or Priſoners ſhall be then reſiding, thereby deſiring that ſuch Priſoner or Priſoners may be further examined as to any Matters or Things relating to his, her, or their Eſtate or Effects; whereupon ſuch Juſtices ſhall ſend for or call before them ſuch Priſoner or Priſoners by ſuch Warrant, Summons, Ways, or Means, as they ſhall think fit; and, upon ſuch Priſoner's appearing, ſhall examine him, her, or them, as well upon Oath as otherwiſe, as to ſuch Matters and Things as ſuch Aſſignees ſhall deſire, relating to the Eſtate or Effects of ſuch Priſoner or Priſoners; and if any ſuch Priſoner or Priſoners (on Payment or Tender of Payment of ſuch reaſonable Charges as ſuch Juſtices ſhall judge ſufficient) ſhall neglect or refuſe to come and appear, not having a lawful Excuſe to be made known to ſuch Juſtices, and by them allowed; or being come before them ſhall refuſe to be ſworn, or to anſwer to all ſuch Queſtions as by ſuch Juſtices ſhall be put to him or them relating to the Diſcovery of his, her, or their Eſtate or Effects ſo veſted or intended to be veſted in ſuch Clerk of the Peace, or in ſuch Aſſignees as aforeſaid; that then it ſhall and may be lawful to and for ſuch Juſtices by Warrant under their Hands and Seals to apprehend ſuch Priſoner or Priſoners ſo offending as aforeſaid, and him or them to commit to the County

Aſſignees to apply to 2 Juſtices to examine Perſons who ſhall obtain their Diſcharge, for Diſcovery of Eſtates, &c.

Refuſing to appear, or to be ſworn, Juſtices may commit them.

Gaol, there to remain without Bail or Mainprize, until such Time as he or they shall submit him, her, or themselves to such Justices, and answer upon Oath to all such Questions as shall by such Justices be put to him, her, or them, for the Purposes aforesaid.

Discoverers of Debtors Estates in 12 Months after Discharge, to have 20 *l. per Cent.*

XXXV. And be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall within Twelve Months after the Discharge of any such Prisoner or Prisoners voluntarily come in, and make a Discovery of any Part of such Debtor or Debtors Real or Personal Estate, as shall be comprized in such Schedule as aforesaid, before any such Justice or Justices aforesaid, shall be allowed after the Rate of Twenty Pounds per Centum out of the neat Produce of such Debtor or Debtors Estate which will be recovered on such Discovery, and which shall be paid such Person or Persons so discovering the same by the Creditor and Creditors who shall receive and be intitled to any Benefit and Advantage by such Discovery.

Discharge obtained fraudulently, void.

XXXVI. Provided always, and be it enacted, That notwithstanding the Discharge of any Prisoner or Prisoners by virtue of this Act, if it shall hereafter appear the same was obtained fraudulently, the same shall be void and of none Effect.

XXXVII. And whereas several Persons who are Prisoners for Debt, choose rather to continue in Prison and spend their Substance there, than discover and deliver up to their Creditors their Estate and Effects in order to the Satisfaction of their just Debts; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any One or more of the Creditors of any Prisoner committed since the First Day of January, in the Year of our Lord One thousand seven hundred and thirty, at whose Suit he or she was detained in Prison upon the said First Day of January, One thousand seven hundred and thirty six, upon Thirty Days Notice in Writing to be given to such Prisoner and the Person in whose Custody he or she is, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of the Prison wherein such Prisoner is detained to bring such Prisoner before the Justices at their next General or Quarter Sessions of the Peace for their respective County, Riding, Division, City, Town, or Liberty, together with a Copy or Copies of the Cause or Causes of his or her Detainer; and such Prisoner coming before such Justices at the said General or Quarter Sessions, shall at the Desire of any One or more of his or her Creditors, at whose Suit he or she appears to be detained, be obliged to deliver in upon Oath and subscribe the like Schedule of his or her Estate and Effects, to be vested, assigned, and equally divided, for the Benefit of his or her Creditors, in like Manner as Persons desiring to take the Benefit of this Act are required to do, subject to the same Penalties of being adjudged a Felon, and suffering as such without Benefit of Clergy, on Conviction of wilful Perjury therein, as the said other Prisoners are hereby subjected to; and shall upon such Discovery to the Satisfaction of the said Justices in their said General or Quarter Sessions, or the major Part of them, be discharged and set at Liberty, in the same Manner, and with the same Benefit of making use of their Discharge, as is hereby provided for Prisoners seeking their Discharge under this Act; and if any such Prisoner so brought up as aforesaid shall neglect or refuse to deliver in and subscribe such Schedule within Sixty Days, he, she, or they, so neglecting or refusing, shall upon Conviction thereof be adjudged guilty of Felony, and shall suffer Death as a Felon without Benefit of Clergy.

Creditors may compel Debtors who choose to continue in Prison to give an Account upon Oath of their Effects, &c.

In 4 F. 96 Price v Wright there is a long Note of a Case determined on the Compulsory Clause in y^e Insolvent Act 16 G. 2. that Notice by the Debtor is not necessary but the 30 Notice thereby directed and duff.^t

on 30 Days Notice in the *Gazette.*

XXXVIII. Provided always, That the Creditors who intend to compel such Prisoners to deliver in any such Schedule of their Estate and Effects do give publick Notice thereof in the London Gazette Thirty Days at least before the said General or Quarter Sessions, to the End the other Creditors of such Prisoners may be apprized thereof, and come in for their distributive Share; which they are hereby impowered to do in like Manner as is provided for the Creditors of Persons seeking their Discharge under this Act.

XXXIX. And be it further enacted by the Authority aforesaid, That the Oath to be taken by the Prisoner delivering in any Schedule at the Desire of any One or more of his or her Creditors according to the Provision hereby made for that Purpose, shall be in the Words following; that is to say,

Their Oath.

I *A. B.* do, upon my corporal Oath in the Presence of Almighty God solemnly swear, protest, and declare, That the Schedule now delivered and by me subscribed doth contain, to the best of my Knowledge, Remembrance, and Belief, a full, just, true, and perfect Account and Discovery of all the Estate, Goods, and Effects unto me in any wise belonging, and such Debts as are to me owing, or to any Person or Persons in Trust for me, and of all the Securities and Contracts whereby any Money now is, or will, or may hereafter become payable, or any Benefit or Advantage accrue to me, or to my Use, or to any Person or Persons in Trust for me, and the Names and Places of Abode of the several Persons from whom such Debts are due and owing, and of the Witnesses that can prove such Debts or Contracts; and that neither I, nor any other Person or Persons in Trust for me, have Lands, Money, Stock, or any Estate Real or Personal, in Possession, Reversion, or Remainder, other than what are in the said Schedule contained (excepting Wearing Apparel, Bedding for myself and Family, Working Tools, and necessary Implements for my Occupation and Calling, and these in the whole not exceeding the Value of Ten Pounds) and that I have not directly or indirectly sold, lessened, or otherwise conveyed, disposed of in Trust, or concealed all or any Part of my Land, Money, Goods, Chattels, Stocks, Debts, Securities, Contracts, or Estates Real or Personal, whereby to secure the same, to receive or expect any Profit or Advantage thereof, or to defraud or deceive any Creditor or Creditors to whom I am indebted in any wise howsoever.

So help me God.

Such Prisoners to be examined as the rest.

And such Prisoner shall be obliged to undergo the like Examination on the Application of the Assignee or Assignees of his or her Estate and Effects, as Prisoners seeking their Discharge are by this present Act required to undergo, and subject to the like Commitment for refusing to appear or answer upon Oath, as is before provided for the said other Prisoners.

XL. And to the Intent and Purpose that the Estate and Effects of such Prisoner or Prisoners as shall be discharged by Virtue of this Act, may be truly and faithfully applied for the Benefit of his, her, or their real Creditors; be it enacted by the Authority aforesaid,

said, That it shall and may be lawful to and for the respective Courts at Westminster, from whence any Process issued upon which such Prisoner or Prisoners was or were committed, whose Effects are so assigned, or where the Process issued out of any other Court, to and for the Judges of the Courts of King's Bench, Common Pleas, and Exchequer, or any Two of them, from time to time upon the Petition of any Creditor or Creditors of such Prisoner or Prisoners complaining of any Insufficiency, Fraud, Mismanagement, or other Misbehaviour of all or any of the Assignees to whom the Estate or Effects of such Prisoner or Prisoners shall be assigned by such Clerk of the Peace, as aforesaid, upon hearing the Parties concerned therein, to make and give such Orders and Directions therein, either for the removal or displacing of such Assignee or Assignees, and the appointing any new Assignee or Assignees in the Place or Stead of the Assignee or Assignees so to be removed or displaced, or for the prudent, just, or equitable Management or Distribution of the said Estates and Effects for the Benefit of the respective Creditors, as the said Courts or Judges respectively shall think fit; and in case of the removal or displacing of any Assignee or Assignees, and the appointing of any such new Assignee or Assignees, the Estate and Effects of such Prisoner or Prisoners shall from thenceforth be divested out of the Assignee or Assignees so removed or displaced, and be vested in and delivered over to such new Assignee or Assignees in the same Manner, and for the same Ends, Intents, and Purposes, as the same were before vested in the Assignee or Assignees as aforesaid; any thing in this Act contained to the contrary notwithstanding.

Courts at *Westminster*, on Complaint, may remove Assignees.

XLI. Provided always, and be it enacted by the Authority aforesaid, That in all and every Case or Cases where mutual Credit hath been given between any Prisoner or Prisoners to be discharged in pursuance of this Act and any other Person or Persons or Body Politick or Corporate before the Delivery of such Schedule or Inventory of the Estate and Effects of such Prisoner or Prisoners upon Oath as aforesaid; then and in every such Case the respective Assignees of such Prisoner or Prisoners shall and have hereby Power on their Part to state and allow an Account between them; and nothing more shall be deemed to be vested in such Clerk of the Peace, or such Assignees, as the Estate or Effects of such Prisoner or Prisoners, than what shall appear to be due to him, her, or them respectively, for the Balance of such Account when truly stated.

On mutual Credit, Assignees to allow the Balance.

XLII. And whereas great Numbers of poor People have been and now are imprisoned for Debt upon Processes issuing out of Courts of Conscience, and have hitherto been deprived of the Benefits of the several Acts passed for Relief of insolvent Debtors; it is hereby enacted and declared, That all such Prisoners shall be intitled to have the Benefit of this Act, and be discharged hereby, provided he, she, or they conform to the Directions herein prescribed.

Prisoners upon Processes out of Courts of Conscience to have the Benefit of the Act

XLIII. Provided always, and be it enacted by the Authority aforesaid, That no Person, against whom a Commission of Bankrupt hath been awarded and issued out, and who hath not already obtained his Certificate and Discharge of his Debts in pursuance of and in such Manner as is directed by some or one of the Acts of Parliament now in Force relating to or concerning Bankrupts, or shall not obtain such Certificate and Discharge before such Time as he shall be brought before the Justices of Peace at their General or Quarter Sessions in order to be discharged in pursuance of this Act, shall have or receive any Benefit or Advantage of or under this Act, nor be deemed to be within the Meaning thereof.

Bankrupts not obtaining a Certificate of Discharge, &c. not benefited hereby.

XLIV. And be it further enacted by the Authority aforesaid, That in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a Quaker shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same Penalties as are inflicted and imposed by this Act upon Persons convicted of wilful Perjury.

Quakers Affirmation to be taken, &c.

CAP. XXVII.

An Act for laying a Duty upon Apples imported from Foreign Parts; and for continuing an Act passed in the Fourth Year of the Reign of His present Majesty, *For granting an Allowance upon the Exportation of* British *made Gunpowder*; and for taking off the Drawback upon Exportation of Foreign Paper; and for the better securing the Payment of the Bounty on the Exportation of *British* made Sail Cloth; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

WHEREAS great Frauds are and have been committed in the Importation of Apples from Foreign Parts to the Diminution of His Majesty's Revenue, in regard the same are an unrated Commodity, and now subject to and paying a Duty *ad Valorem* only upon the Oath of the Importer; we Your Majesty's most dutiful and loyal Subjects the Commons of Great Britain in Parliament assembled do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall be raised, levied, answered, and paid unto and for the Use of His Majesty, His Heirs, and Successors, for and upon all Apples, which at any Time or Times after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, shall be imported or brought into the Kingdom of Great Britain, over and above all Customs, Subsidies, and Duties already imposed thereon, an additional Duty to be reckoned after the Rate of Two Shillings for every Bushel, and so proportionably for a greater or less Quantity, to be paid down in ready Money by the Importers from time to time before the Landing of the same respectively.

Preamble.

Additional Duty of 2 *s. per* Bushel,

II. And be it enacted by the Authority aforesaid, That the said additional Duty upon Apples imported shall be raised, levied, recovered, and paid, and be brought into His Majesty's Exchequer, and applied (except the necessary Charges of Management thereof) by such Rules, Ways, Means, and Methods, and under such Penalties and Forfeitures, and in such Manner and Form, as the other Duties upon Apples imported, or any of them, are by any Act or Acts of Parliament prescribed or appointed to be raised, levied, recovered, answered, paid and applied.

how to be levied and applied.

III. And

Act of 4 Geor. II. cap. 29. continued for 7 Years.

III. And whereas an Act paſſed in the Fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for granting an Allowance upon the Exportation of* Britiſh *made Gunpowder*, is near expiring, which Act hath been found very uſeful and beneficial to His Majeſty's Trading Subjects; **be it further enacted by the Authority aforeſaid, That the ſaid laſt mentioned Act, and all and every the Authorities, Powers, and Clauſes therein contained, ſhall be and continue in full Force, and ſhall be executed, from and after the Expiration of the Term thereby granted for and during the further Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament, in as full and ample Manner as if the ſame were again repeated and re-enacted in the Body of this preſent Act.**

No Drawback on Foreign Paper exported.

IV. And whereas the Drawbacks allowed upon the Exportation of Foreign Paper tend to the great Diſcouragement of the Manufacture of Paper within the Kingdom of *Great Britain*; **be it therefore enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, there ſhall not be allowed or made on the Re-exportation of any Foreign Paper any Drawback or Repayment of any of the Cuſtoms or Duties charged and paid on the Importation thereof into this Kingdom by any Act or Acts of Parliament; any Law, Cuſtom, or Uſage to the contrary thereof in any wiſe notwithſtanding.**

Reward due to Exporters of *Britiſh* Sail Cloth how to be paid, in caſe the Collectors of Cuſtoms have not ſufficient Money.

V. And whereas the making of Sail Cloth in *Great Britain* is greatly increaſed, and hath given a comfortable Support and Maintenance to many of His Majeſty's Subjects employed therein, from the great Encouragements given thereto by Parliament; *videlicet*, By laying an additional Duty of One Peny *per* Ell upon the Importation of Foreign made Sails and Sail Cloth, and taking off the Drawback on the Exportation thereof, and by admitting rough or undreſt Flax (of which Sail Cloth is uſually made) to be imported free of all Duties, and by giving a Reward or Recompence of Two Pence for every Ell of *Britiſh* made Sail Cloth or Canvas, fit for or made into Sails, exported by way of Merchandize, payable out of the ſaid additional Duty of One Peny *per* Ell on Foreign made Sails and Sail Cloth imported; and foraſmuch as in many Ports of this Kingdom, from which *Britiſh* made Sail Cloth is exported, there is not ſo much Money collected and received for the ſaid additional Duty of One Peny *per* Ell, as is or may be ſufficient to pay the ſaid Reward or Recompence, whereby the Exporters at ſuch Ports are under great Diſcouragement, and cannot have the Benefit of the ſaid Reward or Recompence as in other Ports, where ſuch Reward or Recompence is duly paid; **for Remedy thereof, be it enacted by the Authority aforeſaid, That if the Collector of the Cuſtoms in any Port of this Kingdom ſhall not have ſufficient Money in his Hands ariſing by the ſaid additional Duty of One Peny** per **Ell, to ſatisfy and pay ſuch Reward or Recompence, as is or ſhall be due to any Exporters of** Britiſh **made Sail Cloth or Sails as aforeſaid, that then ſuch Collector ſhall give to the Perſon intitled to ſuch Reward or Recompence a Certificate under his Hand atteſted by the Comptroller, of what is due to ſuch Perſon for ſuch** Britiſh **Sail Cloth or Sails ſo exported, certifying to the Commiſſioners of the Cuſtoms at** London, **or** Edinburgh **reſpectively, that he hath not Money in his Hands on the Branch aforeſaid ſufficient to pay the ſame; which Certificate being affixed to or wrote upon the Debenture for the ſame, and being produced to the ſaid reſpective Commiſſioners, they are hereby authorized and required on Demand by the Perſon who ſhall bring the ſame, to cauſe the Monies thereby due to be paid in Three Months by the reſpective Receivers General or Caſhiers of the Cuſtoms, out of ſuch Monies as are or ſhall be in their Hands, ariſing by the additional Duty of One Peny** per **Ell as aforeſaid.**

Clauſe of Relief for Clerks, Apprentices, &c.

VI. **And for the Relief of any Perſon or Perſons, who through Neglect or Inadvertency have omitted to pay the ſeveral Rates and Duties, or any Part thereof, upon Monies given, paid, contracted, or agreed for, with or in relation to any Clerk, Apprentice, or Servant, which hath been put or placed to or with any Maſter or Miſtreſs to learn any Profeſſion, Trade, or Employment, and to have ſuch Indentures or other Writings, which ſhall contain the Covenants, Articles, Contracts, or Agreements relating to the Service of ſuch Clerk, Apprentice, or Servant, ſtampt within the Times by the ſeveral Acts of Parliament for thoſe Purpoſes reſpectively limited, or who have alſo in like Manner omitted to inſert and write in Words at Length in ſuch Indentures or other Writings as aforeſaid the full Sum or Sums of Money or any Part thereof received, or in any wiſe directly or indirectly given, paid, agreed, or contracted for, with, or in relation to every ſuch Clerk, Apprentice, or Servant, as aforeſaid; be it enacted by the Authority aforeſaid, That upon Payment of the Rates and Duties upon Monies, or ſuch Part of ſuch Monies, ſo neglected or omitted to be paid as aforeſaid, on or before the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, to ſuch Perſon or Perſons to whom the ſame ought to be paid, and tendering the ſaid Indentures, or other Writings, to be ſtamped at the ſame Time, or at any Time on or before the Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty ſeven, of which timely Notice is to be given in the** London Gazette, **the ſame Indentures, or other Writings, ſhall be good and available in Law or Equity, and may be given in Evidence in any Court whatſoever; and the Clerk, Apprentice, or Servant therein named, ſhall be capable of following and exerciſing their reſpective intended Trades or Employments, as fully as if the ſaid Rates and Duties ſo omitted had been duly paid, and the full Sum or Sums received or agreed for as aforeſaid had been inſerted; and the Perſons who have incurred any Penalties by the Omiſſions aforeſaid, ſhall be acquitted and diſcharged of and from the ſaid Penalties; any thing in this or the ſaid former Acts to the contrary in any wiſe notwithſtanding.**

CAP. XXVIII.

An Act to explain and amend ſo much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, ſturdy Beggars, and Vagrants, into one Act of Parliament; and for the more effectual puniſhing ſuch Rogues, Vagabonds, ſturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent*, as relates to common Players of Interludes.

WHEREAS by an Act of Parliament made in the Twelfth Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, ſturdy Beggars, and Vagrants, into one Act of Parliament; and for the more effectual puniſhing ſuch Rogues, Vagabonds, ſturdy*

ſturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent, it was enacted, That all Perſons pretending themſelves to be Patent Gatherers or Collectors for Priſons, Gaols, or Hoſpitals, and wandering abroad for that Purpoſe, all Fencers, Bearwards, common Players of Interludes, and other Perſons therein named and expreſſed, ſhall be deemed Rogues and Vagabonds: And whereas ſome Doubts have ariſen concerning ſo much of the ſaid Act as relates to common Players of Interludes: **Now for explaining and amending the ſame, be it declared and enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, every Perſon who ſhall, for Hire, Gain, or Reward, act, repreſent, or perform, or cauſe to be acted, repreſented, or performed, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, in caſe ſuch Perſon ſhall not have any legal Settlement in the Place where the ſame ſhall be acted, repreſented, or performed, without Authority by virtue of Letters Patent from His Majeſty, His Heirs, Succeſſors, or Predeceſſors, or without Licence from the Lord Chamberlain of His Majeſty's Houſhold for the time being, ſhall be deemed to be a Rogue and a Vagabond within the Intent and Meaning of the ſaid recited Act, and ſhall be liable and ſubject to all ſuch Penalties and Puniſhments, and by ſuch Methods of Conviction, as are inflicted on or appointed by the ſaid Act for the Puniſhment of Rogues and Vagabonds who ſhall be found wandering, begging, and miſordering themſelves, within the Intent and Meaning of the ſaid recited Act.**

Perſons acting Plays, &c. in any Place where they have not a Settlement, or without Authority, &c.

to be deemed Vagabonds,

II. **And be it further enacted by the Authority aforeſaid, That if any Perſon having or not having a legal Settlement as aforeſaid ſhall, without ſuch Authority or Licence as aforeſaid, act, repreſent, or perform, or cauſe to be acted, repreſented, or performed, for Hire, Gain, or Reward, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds; and in caſe the ſaid Sum of Fifty Pounds ſhall be paid, levied, or recovered, ſuch Offender ſhall not for the ſame Offence ſuffer any of the Pains or Penalties inflicted by the ſaid recited Act.**

and forfeit 50*l.*

III. **And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, no Perſon ſhall for Hire, Gain, or Reward, act, perform, repreſent, or cauſe to be acted, performed, or repreſented, any new Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein; or any new Act, Scene, or other Part added to any old Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any new Prologue, or Epilogue, unleſs a true Copy thereof be ſent to the Lord Chamberlain of the King's Houſhold for the time being Fourteen Days at leaſt before the acting, repreſenting, or performing thereof, together with an Account of the Playhouſe or other Place where the ſame ſhall be and the Time when the ſame is intended to be firſt acted, repreſented, or performed, ſigned by the Maſter or Manager, or One of the Maſters or Managers of ſuch Playhouſe, or Place, or Company of Actors therein.**

No new Plays, or Additions to old ones, to be acted, unleſs a Copy thereof be ſent to the Lord Chamberlain, &c.

IV. **And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty ſeven, it ſhall and may be lawful to and for the ſaid Lord Chamberlain for the time being, from time to time, and when, and as often as he ſhall think fit, to prohibit the acting, performing, or repreſenting, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any Prologue, or Epilogue; and in caſe any Perſon or Perſons ſhall for Hire, Gain, or Reward, act, perform, or repreſent, or cauſe to be acted, performed, or repreſented, any new Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any new Prologue or Epilogue, before a Copy thereof ſhall be ſent as aforeſaid with ſuch Account as aforeſaid, or ſhall for Hire, Gain, or Reward, act, perform, or repreſent, or cauſe to be acted, performed, or repreſented, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, or any Prologue or Epilogue, contrary to ſuch Prohibition as aforeſaid; every Perſon ſo offending ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds, and every Grant, Licence, and Authority (in caſe there be any ſuch) by or under which the ſaid Maſter or Maſters or Manager or Managers ſet up, formed, or continued ſuch Playhouſe, or ſuch Company of Actors, ſhall ceaſe, determine, and become abſolutely void to all Intents and Purpoſes whatſoever.**

and Perſons acting againſt his Prohibition, &c. to forfeit 50 *l.* and their Licence.

V. **Provided always, That no Perſon or Perſons ſhall be authorized by virtue of any Letters Patent from His Majeſty, His Heirs, Succeſſors or Predeceſſors, or by the Licence of the Lord Chamberlain of His Majeſty's Houſhold for the time being, to act, repreſent, or perform, for Hire, Gain, or Reward, any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein, in any Part of** Great Britain, **except in the City of** Weſtminſter, **and within the Liberties thereof, and in ſuch Places where His Majeſty, His Heirs, or Succeſſors, ſhall in their Royal Perſons reſide, and during ſuch Reſidence only; any thing in this Act contained to the contrary in any wiſe notwithſtanding.**

No Plays to be acted but in *Weſtminſter*, or Places of His Majeſty's Reſidence.

VI. **And be it further enacted by the Authority aforeſaid, That all the pecuniary Penalties inflicted by this Act for Offences committed within that Part of** Great Britain **called** England, Wales, **and the Town of** Berwick **upon** Tweed, **ſhall be recovered by Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at** Weſtminſter, **in which no Eſſoign, Protection, or Wager of Law ſhall be allowed; and for Offences committed in that Part of** Great Britain **called** Scotland, **by Action or ſummary Complaint before the Court of Seſſion or Juſticiary there; or for Offences committed in any Part of** Great Britain, **in a ſummary Way before Two Juſtices of the Peace for any County, Stewartry, Riding, Diviſion, or Liberty, where any ſuch Offence ſhall be committed, by the Oath or Oaths of One or more credible Witneſs or Witneſſes, or by the Confeſſion of the Offender, the ſame**

Penalties how to be recovered, &c.

ſame to be levied by Diſtreſs and Sale of the Offenders Goods and Chattels, rendering the Overplus to ſuch Offender, if any there be above the Penalty and Charge of Diſtreſs; and for want of ſufficient Diſtreſs the Offender ſhall be committed to any Houſe of Correction in any ſuch County, Stewartry, Riding, or Liberty, for any Time not exceeding Six Months, there to be kept to hard Labour, or to the Common Gaol of any ſuch County, Stewartry, Riding, or Liberty, for any Time not exceeding Six Months, there to remain without Bail or Mainprize; and if any Perſon or Perſons ſhall think him, her, or themſelves aggrieved by the Order or Orders of ſuch Juſtices of the Peace, it ſhall and may be lawful for ſuch Perſon or Perſons to appeal therefrom to the next General Quarter Seſſions to be held for the ſaid County, Stewartry, Riding, or Liberty, whoſe Order therein ſhall be final and concluſive; and the ſaid Penalties for any Offence againſt this Act ſhall belong, one Moiety thereof to the Informer or Perſon ſuing or proſecuting for the ſame, the other Moiety to the Poor of the Pariſh where ſuch Offence ſhall be committed.

Perſons acting in Publick Houſes included in this Act.

VII. And be it further enacted by the Authority aforeſaid, That if any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Act, Scene, or Part thereof, ſhall be acted, repreſented, or performed in any Houſe or Place where Wine, Ale, Beer, or other Liquors ſhall be ſold or retaled, the ſame ſhall be deemed to be acted, repreſented, and performed for Gain, Hire, and Reward.

Limitation of Actions.

VIII. And be it further enacted be the Authority aforeſaid, That no Perſon ſhall be liable to be proſecuted for any Offence againſt this Act, unleſs ſuch Proſecution ſhall be commenced within the Space of Six Kalendar Months after the Offence committed; and if any Action, or Suit, ſhall be commenced or brought againſt any Juſtice of the Peace or any other Perſon for doing, or cauſing to be done, any thing in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Kalendar Months next after the the Fact done; and the Defendant or Defendants in ſuch Action or Suit ſhall and may

General Iſſue.

plead the General Iſſue, and give the ſpecial Matter in Evidence; and if upon ſuch Action, or Suit, a Verdict ſhall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs or Proſecutor ſhall become nonſuit, or ſhall not proſecute his, or their

Treble Coſts.

ſaid Action or Suit, then the Defendant or Defendants ſhall have treble Coſts, and ſhall have the like Remedy for the ſame, as any Defendant or Defendants have in other Caſes by Law.

CAP. XXIX.

An Act for enabling His Majeſty to ſettle a Revenue for ſupporting the Dignity of her Royal Highneſs the Princeſs, in caſe ſhe ſhall ſurvive his Royal Highneſs the Prince of *Wales*, and for exempting ſuch yearly Sum or Sums of Money, as His Majeſty hath granted or ſhall grant to his ſaid Royal Highneſs, from the Payment of Fees, Taxes, and other Charges whatſoever, and for enabling his ſaid Royal Highneſs to make Leaſes of Lands, Parcel of the Dutchy of *Cornwall*, or annexed to the ſame.

MOST gracious Sovereign, we Your Majeſty's moſt dutiful and loyal Subjects the Commons of Great Britain in Parliament aſſembled, being truly ſenſible how acceptable it will be to Your Majeſty, that a good, certain, and competent Revenue be ſettled for ſupporting the Honour and Dignity of her Royal Highneſs the Princeſs, in caſe ſhe ſhall ſurvive her Royal Conſort the moſt Excellent Prince Frederick, Prince of Wales, Your Majeſty's moſt dearly beloved Son, and conſidering the Happineſs which (by the Bleſſing of Almighty God) the Subjects of theſe Kingdoms cannot fail to enjoy, by a Succeſſion of Princes derived from her, the early Zeal and Sufferings of whoſe Family for the Proteſtant Cauſe ought never to be forgotten; and well knowing that by an Act made in the Firſt

1 *Annæ, ſt.* 1. *cap.* 7.

Year of the Reign of Her late Majeſty Queen Anne (of Bleſſed Memory) for preſerving the Inheritance of ſeveral Revenues of the Crown, intituled, An Act for the better Support of Her Majeſty's Houſhold, and of the Honour and Dignity of the Crown, all Grants thereof (other than ſuch as are therein expreſſed) are declared to be void; and that by an Act made in

9 *Annæ, c.* 10.

the Ninth Year of Her ſaid late Majeſty's Reign, intituled, An Act for eſtabliſhing a General Poſt Office for all Her Majeſty's Dominions, and for ſettling a weekly Sum out of the Revenue thereof for the Service of War and other Her Majeſty's Occaſions, it was enacted, That ſuch Part of the Duties and Revenues ariſing in or by the General Letter Office or Poſt Office which was thereby veſted in Her Majeſty, Her Heirs, and Succeſſors, and therein mentioned to be undeterminable, ſhould not be alienable, chargeable, or grantable for any Eſtate, Term, or Time whatſoever, to endure longer than the Life of the King or Queen that ſhould make ſuch Alienation, Charge, or Grant reſpectively; and that all Gifts, Grants, Alienations, and Aſſurances whatſoever, to be had or made of and Charges upon the ſame Duties and Revenues or any Part thereof contrary to the Proviſion of that Act ſhould be null and void; do nevertheleſs moſt humbly, cheerfully, and unanimouſly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this

The Princeſs of *Wales*, if ſhe ſurvives the Prince, to have an Annuity of 50,000 *l.*

preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the King's moſt Excellent Majeſty, by any Letters Patent or Indenture, or by ſeveral Letters Patent or Indentures, under the Great Seal of Great Britain hereafter to be made, to give and grant unto her ſaid Royal Highneſs the Princeſs of Wales, or to ſuch other Perſon or Perſons as his Majeſty ſhall think fit to be named in ſuch Letters Patent, Indenture or Indentures, and his or their Heirs, to the Uſe of or in Truſt for the ſaid Princeſs, One Annuity or yearly Sum of Fifty thouſand Pounds of lawful Money of Great Britain, which Annuity or yearly Sum of Fifty thouſand Pounds, and every Part thereof, ſhall commence and take Effect immediately from and after the Deceaſe of His Majeſty's ſaid dearly beloved Son, and continue from thenceforth for and during the

for Life, to be paid quarterly,

natural Life of the ſaid Princeſs, and ſhall be paid and payable at the Four moſt uſual Feaſts or Days of Payment in the Year (that is to ſay) The Feaſt of Saint Michael the Archangel, the Birth of our Lord Chriſt, the Annunciation of the Bleſſed Virgin Mary, and the Nativity of Saint John Baptiſt, by even and equal Portions, the firſt Payment

thereof to be made at ſuch of the ſaid Feaſts as ſhall firſt and next happen after the Deceaſe of His Majeſty's ſaid dearly beloved Son, in caſe the ſaid Princeſs ſhall ſurvive him as aforeſaid; and that the ſaid yearly Sum of Fifty thouſand Pounds ſhall be iſſuing and payable out of, and be charged and chargeable upon, ſuch Duties and Revenues as are herein after ſpecified, and in the Proportions following (that is to ſay) The yearly Sum of Forty thouſand Pounds, Part of the ſaid yearly Sum of Fifty thouſand Pounds, ſhall be iſſuing and payable out of and be charged and chargeable upon all the Revenues and Monies ariſing and to ariſe by virtue or in purſuance of the ſaid Act, intituled, An Act for eſtabliſhing a General Poſt Office for all Her Majeſty's Dominions, and for ſettling a weekly Sum out of the Revenues thereof for the Service of the War and other Her Majeſty's Occaſions, or by virtue or in purſuance of any Proviſo, Clauſe, Matter, or Thing therein contained, or according to any other Act or Acts of Parliament thereby referred unto, the weekly Sum of Seven hundred Pounds mentioned in the ſaid Act of the Ninth Year of her late Majeſty's Reign during ſuch Time as the ſaid weekly Sum is to continue, and any other Monies by that Act appointed to be reſerved for the Uſe of the Publick, always excepted and foreprized. out of the Revenues of the Poſt Office.

II. And it is hereby enacted, That the yearly Sum of Ten thouſand Pounds (being the Remainder of the ſaid yearly Sum of Fifty thouſand Pounds) ſhall, from and after the Deceaſe of the ſaid Prince of Wales, during the Life-time of the ſaid Princeſs him ſurviving, be charged and chargeable upon, and be payable and paid at the Days and Times before mentioned, to the Uſe of the ſaid Princeſs, out of, the hereditary Rates and Duties of Exciſe upon Beer, Ale, and other Liquors, which were granted to the Crown by an Act of the Twelfth Year of the Reign of King Charles the Second (of Bleſſed Memory) confirmed by an Act of Parliament of the Thirteenth Year of His Reign, and that the Rates and Duties of Exciſe, which were granted or continued to His ſaid now Majeſty during His Life (which God long preſerve) by an Act of Parliament in the Firſt Year of His Reign, during the Continuance thereof, ſhall likewiſe be charged and chargeable as an additional Security, for or towards making good ſuch of the Payments of the ſaid yearly Sum of Ten thouſand Pounds as ſhall or may happen to incur and grow due after ſuch Deceaſe of the ſaid Prince of Wales, during the joint Lives of His Majeſty and of the ſaid Princeſs. and hereditary Duties of Exciſe.

III. Provided always, That nothing in this Act contained, or to be contained in ſuch Letters Patent, Indenture or Indentures as aforeſaid, ſhall extend to hinder or obſtruct the Payments of the weekly Sum of Three thouſand ſeven hundred Pounds, or the yearly Sum of Sixteen thouſand two hundred ſixty three Pounds, eight Shillings, and eleven Pence, by former Acts of Parliament charged upon the ſaid Rates and Duties of Exciſe, or ſome of them, or the Application thereof to the reſpective Uſes intended by ſuch former Acts concerning the ſame; any thing herein contained to the contrary notwithſtanding. Payment of the Sums charged on the Duties of Exciſe not hereby obſtructed.

IV. And be it enacted by the Authority aforeſaid, That if the ſaid Revenue of the Poſt Office, applicable to the Payment of the ſaid yearly Sum of Forty thouſand Pounds, ſhall at the End of any Quarter of a Year be inſufficient to anſwer the quarterly Payment then due out of the ſame according to the true Meaning of this Act, then and in every ſuch Caſe the Comptroller of the ſaid Office for the time being ſhall and he is hereby required without Fee or Charge to make a Certificate in Writing of the Sum which ſhall be then wanting to complete the ſaid quarterly Payment, and deliver the ſame to the ſaid Princeſs, or her Order, and upon producing thereof the Commiſſioners of the Treaſury, or High Treaſurer for the time being, ſhall cauſe every ſuch Deficiency to be ſatisfied out of any Overplus Monies of the ſaid Rates and Duties of Exciſe, or out of ſome other Monies ariſing or to ariſe by any hereditary Branches of Revenue belonging to His Majeſty, His Heirs, or Succeſſors, being appointed for the Uſes of the Civil Government, with Preference to all other Payments hereafter to be charged upon ſuch Overplus Monies or other Branches by ſubſequent Act or Acts of Parliament, or Grants hereafter to be paſſed; and if the ſaid Rates and Duties of Exciſe, applicable to the Payment of the ſaid yearly Sum of Ten thouſand Pounds ſhall at the End of any Quarter of a Year be inſufficient to anſwer the quarterly Payment then due out of the ſame according to the true Meaning of this Act, then and in every ſuch Caſe the Comptroller of Exciſe for the time being ſhall and he is hereby required without Fee or Charge to make a Certificate in Writing of the Sum which ſhall be then wanting to complete ſuch quarterly Payment, and deliver the ſame to the ſaid Princeſs, or her Order; and upon producing thereof the Commiſſioners of the Treaſury, or High Treaſurer for the time being, ſhall cauſe every ſuch Deficiency to be ſatisfied out of any Overplus Monies of the ſaid Poſt Office Revenues, or out of ſome other Monies ariſing or to ariſe by ſuch hereditary Branches of the Revenue appointed for Uſes of the Civil Government as aforeſaid, with Preference to all Payments hereafter to be charged upon ſuch Overplus Monies, or other Branches, by any ſubſequent Act or Acts of Parliament, or Grants hereafter to be paſſed; any thing in this Act, or any other Law or Statute whatſoever, to the contrary in any wiſe notwithſtanding. Deficiency how to be ſupplied.

V. And it is hereby enacted, That the ſaid yearly Sums amounting to Fifty thouſand Pounds as aforeſaid, ſhall be paid and payable by and from the immediate Hands of all and every the Commiſſioners, Farmers, Treaſurers, Receivers, and Collectors for the time being of the ſaid Revenues reſpectively, without any Fees or Charges to be demanded or taken for paying the ſame or any Part thereof; and the Acquittance and Acquittances of the ſaid Princeſs, or her Truſtees, or of her Royal Highneſs's Receiver General for the time being, ſhall be a good and ſufficient Diſcharge for the Payment thereof, without any further or other Warrant to be ſued for, had, or obtained in that Behalf; and that the ſaid Annuity or yearly Sum of Fifty thouſand Pounds, and every Part thereof, ſhall be free and clear from all Taxes, Impoſitions, and other publick Charges whatſoever; and if the ſaid Commiſſioners, Farmers, Treaſurers, Receivers, and Collectors, for the time being, of the ſaid Duties and Revenues, or any of them, ſhall refuſe or neglect to pay the ſaid Who to pay the ſaid Annuity.

respective yearly Sums, or any Part thereof, to the said Princess, her Receiver General, or Trustees, that then the said Princess, or such Trustees as aforesaid, may sue, prosecute, or implead the said Commissioners, Farmers, Treasurers, Receivers, and Collectors, or any of them, and all or any of their Securities, Heirs, Executors, and Administrators, by Bill, Plaint, or Action of Debt, and shall and may recover Judgements, and sue out Executions thereupon, against the said Commissioners, Farmers, Treasurers, Receivers, and Collectors respectively, and their respective Securities, Heirs, Executors, and Administrators, for such Sum and Sums of Money then due and owing upon the said Annuities amounting to Fifty thousand Pounds per Annum, or any Part thereof, as shall be in the Hands of the said Commissioners, Farmers, Treasurers, Receivers, and Collectors respectively, of the said respective Duties or Revenues at the Time when Demand shall be made of the Payment of the said yearly Sum, or any Part thereof.

The King's Letters Patent to be effectual in Law.

VI. And be it further enacted by the Authority aforesaid, That all and every the Powers, Precepts, Directions, and Clauses to be contained in His Majesty's Letters Patent, Indenture or Indentures hereafter to be made, as aforesaid, for the better and more certain Payment and Assurance of the said yearly Sums amounting to Fifty thousand Pounds per Annum, and for making the said respective Revenues liable thereunto, shall be and are hereby enacted to be good and effectual in the Law, according to the Tenor and Purport thereof, in the said Letters Patent, Indenture or Indentures to be expressed, notwithstanding any Restriction, or other Matter or Thing contained in the said Act of Parliament made in the First Year of her late Majesty's Reign, intituled, An Act for the better Support of her Majesty's Household, and of the Honour and Dignity of the Crown, and notwithstanding any Restriction, or other Matter or Thing contained in the said Act of the Ninth Year of her said late Majesty's Reign for establishing the Post Office, and any Mis-recital, Non-recital, Omission, or other Defect in the said Letters Patent, Indenture or Indentures hereafter to be made, in any wise notwithstanding.

Persons Interests in the Revenues not affected hereby.

VII. Saving to all and every Person and Persons, Bodies Politick or Corporate, their Heirs, Executors, Administrators, and Assigns (other than the King's Majesty, His Heirs, and Successors, and other than to such Person or Persons who do or may stand seized or possessed in Trust for His Majesty, His Heirs, and Successors) all such Right, Title, Interest, and Demand whatsoever, which they, or any of them have, or may have, of, in, or to, or out of the Revenues aforesaid, or any Part thereof, before the making of this Act, as fully and effectually to all Intents and Purposes, as if this Act had not been made, this Act or any thing therein contained to the contrary notwithstanding.

The 50,000 *l.* allowed the Prince of *Wales* by His Majesty free of Taxes.

VIII. And whereas His Majesty hath granted to His dearly beloved Son the Prince of *Wales* the yearly Sum of Fifty thousand Pounds for Support of himself and his Family, to be paid out of the Revenues appointed for defraying the Charges of the civil Government, and supporting the Honour and Dignity of the Crown; be it further enacted and declared by the Authority aforesaid, That such yearly Sum or Sums of Money as His Majesty hath granted, directed, or appointed, or shall grant, direct, or appoint, to or for the Use and Benefit of the said Prince of Wales, out of the Revenues aforesaid, shall be paid to his Royal Highness, or to his Use, or for his Benefit, without any Fees or Charges to be demanded or taken by the Officers of the Exchequer, or any others, for Payment thereof, and that the said yearly Sum or Sums of Money, and every Part thereof, shall be free and clear from all Taxes, Impositions, and other publick Charges whatsoever; any Law or Statute to the contrary notwithstanding.

IX. And whereas the said Prince now stands seized of the Dutchy of *Cornwall*, and the Possession thereof, of an Estate of Inheritance under a special Form of Limitation differing from the ordinary Rules of Inheritance at Common Law, whereupon some Questions may grow what Estates in the same the said most Excellent Prince may legally grant, and whether Leases made by his said Royal Highness of any Manors, Lands, Tithes, Tenements, or Hereditaments, Parcel of the said Dutchy, or annexed to the same, will be good and effectual in Law longer than for the Life of his said Royal Highness; for avoiding of which Doubt, and for the Ease and Quiet of the Minds of such Persons as have taken, or hereafter shall take, Leases from the said Prince, and to the End such Persons may be sure to have good and indefeazible Estates, and be encouraged to lay out Monies in building and repairing or otherwise improving the several Lands and Tenements to them demised, and to be demised; be it further enacted by the Authority aforesaid, That all Leases or Grants made or to be made by his said Royal Highness, of any Manors, Offices, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, Parcel of the Possessions of the said Dutchy of Cornwall, or annexed to the same, shall be good and effectual in Law, according to the Purport and Contents of the said Leases or Grants against His Majesty, His Heirs, and Successors, and against his said Royal Highness, and his Heirs, and against all and every Person and Persons, who shall inherit or succeed to the said Dutchy, according to the said Limitation or otherwise.

Leases of Lands in *Cornwall* made by the said Prince effectual in Law.

Such Leases to be for no more than 3 Lives, or 31 Years, &c.

X. Provided always, That every such Lease or Grant so made or to be made of any Manors, Offices, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments in Possession, be and shall be made for Three Lives, or fewer, or for Thirty one Years or under, or for some Term of Years determinable upon One, Two, or Three Lives, and not above; and if such Lease or Grant be made in Reversion or Expectancy, that then the same together with the Estates in Possession do not exceed Three Lives, or the Term of Thirty one Years, and be not in any wise made dispunishable of Waste, and so as upon every such Lease or Grant be or shall be reserved the ancient or most usual Rent or more, or such Rent as hath been reserved, yielded, or paid for such of the Premisses as are or shall be contained therein, for the greater Part of Twenty Years next before the making of the said Leases, and shall be reserved, due, and payable to such as shall have the Inheritance or other Estate of the said Dutchy, and where no such Rent hath been reserved or payable, that then upon every such Lease there be or shall be reserved a reasonable Rent, not being under the Twentieth Part of the clear yearly Value of the Manors, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments contained in such Lease or Grant.

XI. And

XI. And be it further enacted by the Authority aforesaid, That all Covenants, Conditions, Reservations, and Agreements contained in every such Lease or Grant so made or to be made as aforesaid shall be good and effectual in Law, according to the Words and Contents of the same, as well for and against them to whom the Reversion of the same Manors, Offices, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments shall come, as for, and against them to whom the Interest of such Leases shall come respectively, as if his said Royal Highness the Prince at the Time of making such Covenants, Conditions, Reservations, and Agreements, had been seized of an absolute Estate in Fee Simple in the same Manors, Offices, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments. Confirmation of the Validity of such Leases.

XII. Saving always, to all and every Person and Persons, Bodies Politick and Corporate, their Heirs and Successors, Executors, Administrators, and Assigns (other than his said Majesty, his Heirs, and Successors, and other than his said Royal Highness the Prince, and his Heirs, and all and every Person and Persons that shall hereafter have, inherit, and enjoy the said Dutchy of Cornwall by Force of any Act of Parliament or other Limitation whatsoever) all such Rights, Titles, Estates, Customs, Interests, Tenures, Terms, Claims, and Demands whatsoever, of what Nature, Kind, or Quality soever, of, in, to, or out of the said Manors, Offices, Messuages, Parks, Lands, Tithes, Tenements, or Hereditaments, or any of them, Parcel of or annexed to the said Dutchy of Cornwall, as they or any of them had or ought to have had before the making of this Act, to all Intents and Purposes, and in as large and ample Manner and Form, as if this Act had never been made; this Act or any thing herein contained to the contrary notwithstanding. Persons Rights in the said Dutchy not affected hereby.

CAP. XXX.

An Act for repealing the Duties payable *ad Valorem* upon foreign Oysters imported into this Kingdom, and for laying another Duty thereon.

MOST Gracious Sovereign, Whereas the several Duties upon Oysters imported into this Kingdom, are now payable according to the Value sworn to or affirmed by the Importers, which Method of ascertaining the Value of such Oysters by Experience has been found to be liable to great Frauds, such Importers frequently undervaluing the Oysters so imported, to the Detriment of the Publick Revenue and Discouragement of the Oyster Dredgers of this Kingdom; for remedying the said Abuse, as well as encouraging our own Fishery, we Your Majesty's most dutiful and loyal Subjects the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Provisions and Clauses contained in any former Act or Acts of Parliament, so far as they relate to the ascertaining the Value of Oysters imported from France according to the Oaths or Affirmations of the Importers, shall from and after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, be and are hereby repealed and made void. Preamble. Former Acts relating to the Value of Oysters repealed.

II. And be it further enacted by the Authority aforesaid, That in lieu of the said former Duties payable ad Valorem, and repealed by this Act, all Oysters which shall at any Time or Times after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, be imported from France into any Port or Place within this Kingdom, shall upon the Importation thereof be rated at Seven Pence per Bushel strike Measure, according to the Winchester Corn Bushel, and shall pay the old Subsidy granted by the Act of Tonnage and Poundage made in the Twelfth Year of the Reign of King Charles the Second, according to that Rate and Measure, and not according to the Values sworn to, or affirmed by the Importers, and in that Proportion for a greater or less Quantity.

III. And be it further enacted by the Authority aforesaid, That in all Cases where any of the said Oysters are by Law subject or liable to the Payment of the further Subsidy, the One third Subsidy, the Two thirds Subsidy, the additional Impost, or the Duty payable upon Goods imported from France, or any of them, according to the respective Values set thereon for the said Old Subsidy, or in Proportion thereto, the same shall from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, be paid proportionably according to the particular Value set thereon for the Old Subsidy aforesaid, and not according to the Oath or Affirmation of the Importer; any thing in the respective Acts, which granted the said Duties, or in any other Act to the contrary notwithstanding. Old Subsidy to be paid according to Valuation.

IV. And be it declared and enacted by the Authority aforesaid, That upon the Exportation of any of the said Oysters so imported, within the Time allowed by Law, the Duties paid or secured for the same at Importation as aforesaid, shall not be drawn back or allowed to the Exporter. No Drawback on Exportation.

V. And be it enacted and declared by the Authority aforesaid, That the several Subsidies, Impositions, and Duties upon the said Oysters, shall be paid or secured, and shall be raised, levied, and collected in such Manner and Form, and by such Ways and Means, and under such Penalties and Forfeitures, and with such Discounts and Allowances, as are mentioned and expressed in the several Acts of Parliament which granted or continued the same respectively; and all Powers, Penalties, Provisions, Articles, and Clauses therein contained (except in such Cases where any Alteration is made by this Act) shall continue in full Force and Effect, during the Continuance of the said respective Subsidies, Impositions, and other Duties, and shall be applied, practised, and executed, for the raising, levying, collecting, securing, answering, paying, and appropriating the said respective Subsidies, Impositions, and other Duties, according to the true Intent and Meaning of this present Act, as fully and effectually to all Intents and Purposes, as if the said Clauses, Matters, and Things had been repeated and enacted in the Body of this present Act; any Law or other Matter or Thing to the contrary notwithstanding. Duties how to be levied.

CAP. XXXI.

An Act for regulating the Company of Watermen, Wherrymen, and Lightermen rowing on the River *Thames*, between *Graveſend* in the County of *Kent*, and *Windſor* in the County of *Berks*.

Preamble, reciting the Act

WHEREAS amongſt ſeveral Laws heretofore made, for the better regulating and governing all Perſons free of the Company of Watermen and Wherrymen, owning, rowing, or working Boats, Barges, and other Craft upon the River of *Thames*, from *Graveſend* in the County of *Kent*, to *Windſor* in the County of *Berks*, there was an Act paſſed in the Firſt Year of the Reign of King *James* the Firſt, whereby ſuch Watermen and Wherrymen were reſtrained from taking any Apprentices who were not of the full Age of Eighteen Years, unleſs they were the Sons of free Watermen and Wherrymen, whom they might retain as their Apprentices at the Age of Sixteen Years: And whereas by an Act paſſed in the Eleventh and Twelfth Years of the Reign of his late Majeſty King *William* the Third, for the Explanation and better Execution of former Acts made touching Watermen and Wherrymen rowing on the River of *Thames*, and for the better ordering and governing the ſaid Watermen, Wherrymen, and Lightermen upon the ſaid River between *Graveſend* and *Windſor*, the ſaid Wherrymen, Watermen, and Lightermen were made one Company, and were impowered to make reaſonable and lawful Rules, Orders, and Conſtitutions for their Government; and in purſuance thereof an Order was made, That no Watermen ſhall have any more than One Apprentice at one Time, nor ſhall be capable of taking any Apprentice, until ſuch Maſter hath been a Freeman Seven Years, nor ſhall take a Second Apprentice until his Firſt be dead, or the Term expired; and that not any Lighterman ſhall take any Apprentice, until he is the real Owner of Two Lighters, nor ſhall have any more than One Apprentice at one Time: And whereas by an Act paſſed in the Fourth Year of the Reign of her late Majeſty Queen *Anne*, for the better ordering and governing the Watermen and Lightermen upon the River of *Thames*, the ſaid Clauſe in the ſaid Statute of the Firſt of King *James* the Firſt, as alſo the ſaid Order, and all and every other Order and Rule made for reſtraining any Waterman, Wherryman, or Lighterman taking and breeding Apprentices, were repealed and made void, in order for the better Increaſe of Seamen for the Service of the Royal Navy: And whereas in conſequence of the ſaid laſt recited Act ſuch Watermen, Wherrymen, and Lightermen are at Liberty to take what Number of Apprentices, and at what Age they think fit, though they have not ſufficient Buſineſs to employ and maintain ſuch Apprentices, nor any ſettled Habitation or Place of abode to retain and keep them at, and though ſuch Apprentices are too weak for the Work or Labour required in ſuch Occupation, whereby ſuch Apprentices become idle and profligate, and many and great Damages have frequently happened and muſt daily happen to Goods and Paſſengers by the Unſkilfulneſs of ſuch Apprentices, and the good Intention of the ſaid Act in breeding able and ſufficient Seamen for the Royal Navy is eluded; **for Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **in the Year of our Lord One thouſand ſeven hundred and thirty ſeven, it ſhall not be lawful for any Perſon whatſoever (although free of the ſaid Company) that now or hereafter ſhall keep, uſe, hire, or work any Wherry-boat, Tilt-boat, Barge, or other Veſſel for carrying Paſſengers or Goods for Hire or Gain upon the River of** Thames, **between** Graveſend **and** Windſor **aforeſaid, to bind, take, retain, employ, have, or keep, to ſerve him or her to work or row upon the ſaid River, any Perſon as an Apprentice, until ſuch Time as ſuch Perſon ſo to be taken ſhall arrive to be of the full Age of Fourteen Years at the leaſt, and not to exceed the Age of Twenty Years, which ſhall be made appear by Certificate ſigned by the Miniſter or Churchwardens for the time being of the Pariſh or Place where ſuch Perſon ſo to be bound was or ſhall be born, or by the Oath of Two or more credible Witneſſes, or their Affirmation in caſe they ſhall be of the People called** Quakers.

1 *Jac.* I. *c.* 16. limiting the Age of Apprentices to be taken by Watermen.

Act 11 & 12 *W.* III. *c.* 21. giving Power to the Company of Watermen to make Rules for their Government.

Purſuant to which an Order made, reſtricting Watermen, &c. in relation to Apprentices.

Act 4 *Annæ*, *c.* 13. repealing the Clauſe of *Jac.* I. and making void the ſaid Order; and allowing Watermen to take what Number of Apprentices they pleaſed, and at any Age.

Inconveniencies reſulting from this Licence.

Commencement of the ſent Act.

No Apprentice to be taken under 14 Years of Age, nor above 20.

II. **And be it further enacted by the Authority aforeſaid, That ſuch Apprentice ſhall be bound to his ſaid Maſter or Miſtreſs by Indentures of Apprenticeſhip as uſual in the like Caſes of Apprenticeſhip, and be enrolled in the Book or Rolls of the ſaid Company, to ſerve his ſaid Maſter or Miſtreſs as an Apprentice upon the ſaid River for and during the Space of Seven Years at the leaſt, upon Pain that every Maſter or Perſon acting contrary hereto ſhall for every ſuch Offence, upon Conviction thereof before the Lord Mayor of the City of** London **for the time being, or before any One or more Juſtice or Juſtices of the Peace for the time being for the ſaid City, or for the County, City, Town Corporate, Liberty, or Place where the Offender ſhall be found, or the Offence ſhall be committed, by the Oath of One or more credible Witneſs or Witneſſes, ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds of lawful Money of** Great Britain.

Apprentices to be taken for 7 Years at the leaſt; and to be bound by Indentures as uſual, and enrolled in the Book of the Company; on Penalty of the Maſter's forfeiting 10*l.*

III. **And be it further enacted by the Authority aforeſaid, That all and every Apprentice or Apprentices, which ſhall hereafter be bound contrary to the true Intent and Meaning of this Act, ſhall not thereby obtain any Freedom by ſuch Apprenticeſhip, or be intitled to any the Privileges and Advantages by ſuch Apprenticeſhip, which Watermen, Wherrymen, and Lightermen free of the ſaid Company are intitled to; but ſhall be ſubject and liable to pay for every Time he ſhall work, row, or navigate any Boat, Barge, Lighter, or other Veſſel, being thereof convicted in Manner aforeſaid, the Sum of Ten Pounds.**

Penalty on Apprentices bound contrary to the true Intent of this Act.

No more than 2 Apprentices to be taken at one Time; the Firſt to have ſerved 4 Years when the Second is taken; on Penalty of 10*l.*

IV. **Provided nevertheleſs, That no Freeman of the ſaid Company, nor his Widow, ſhall at one and the ſame Time be capable to take and retain more Apprentices than Two, nor ſhall take the Second Apprentice till the Firſt hath ſerved as an Apprentice for the Space of Four Years at the leaſt of his ſaid Apprenticeſhip, under the Penalty of Ten Pounds of lawful Money of** Great Britain.

No Member of the Company, though a Freeman, to take an Apprentice, till he has a ſettled Habitation to lodge his Apprentice in.

V. **And to avoid the great Inconveniencies which happen by Wherrymen and ſuch other Watermen and Lightermen as aforeſaid daily taking Apprentices, before ſuch Wherrymen, Watermen, or Lightermen are Houſe-keepers, or have any ſettled Habitation for themſelves and their Apprentices to lodge in, whereby pilfering and diſorderly Actions are frequently committed; be it alſo further enacted by the Authority aforeſaid, That it ſhall not be lawful for any Wherryman, Waterman, or Lighterman, though a Freeman of the ſaid Company, or his Widow, to take, retain, or keep any Perſon as his or her Apprentice, unleſs ſuch Waterman, Wherryman, or Lighterman, or the Widow of ſuch**

Waterman, Wherryman, or Lighterman shall be the Occupier of some House or Tenement wherein to lodge him or herself and his or her Apprentice or Apprentices; and such Waterman, Wherryman, or Lighterman, or his or their Widow or Widows, shall keep such Apprentice or Apprentices to lodge and lie in the same House or Tenement wherein he or she doth lodge or lie, upon Pain that every Master or Mistress so from time to time acting otherwise, and offending against this Act, being thereof convicted in Manner aforesaid, shall for every such Offence forfeit and pay the Sum of Ten Pounds of lawful Money of Great Britain.

Apprentice to be lodged in the same House with his Master, or Mistress, on pain of forfeiting 10*l.*

VI. And to prevent any Person or Persons producing forged or false Certificates, be it further enacted by the Authority aforesaid, That if any Person or Persons shall knowingly and wilfully produce any forged or false Certificate, and shall be thereof convicted before the Lord Mayor of the said City of London, or before any One or more Justice or Justices of the Peace for the said City for the time being, by the Oath of One or more credible Witness or Witnesses, he, she, or they shall for every such Offence forfeit and pay the Sum of Ten Pounds of lawful Money of Great Britain.

Penalty of 10*l.* on producing false Certificates.

VII. Provided nevertheless, That any Waterman, Wherryman, or Lighterman, being the real Owner or Proprietor of Twelve Lighters, Barges, or flat-bottomed Boats in his own Right, may take and retain to his own Use and Service Two Apprentices at any one Time; and the real Owner or Proprietors of Twenty Lighters, Barges, or flat-bottomed Boats in his own Right, may take and retain for his own Use and Service Four Apprentices, and no more; provided such Owner or Proprietor of such Lighters, Barges, or flat-bottomed Boats shall first take an Oath before the said Lord Mayor of the City of London for the time being, or before any One or more Justice or Justices of the Peace for the said City of London, the City of Westminster, or Counties of Middlesex, Essex, Surrey, Kent, Bucks, or Berks (which Oath they are hereby impowered and required to administer) that he or she is bona fide the real Owner or Proprietor of the Numbers of Lighters, Barges, or flat-bottomed Boats as aforesaid, and shall produce such Oath so taken in Writing, under the Hand and Seal or Hands and Seals of the said Lord Mayor, or One or more Justice or Justices of the Peace for the said Cities or Counties aforesaid, to the Rulers and Overseers of the said Company, or the major Part of them, at any of their publick Courts or Assemblies.

Proprietors of 12 Lighters, &c. may take 2 Apprentices at one Time.

And Proprietors of 20 may take 4, and no more.

Provided such Proprietors make Oath of their owning such Number of Lighters, &c.

VIII. And for preventing the losing the Lives of Persons passing on the River Thames between Gravesend and Windsor aforesaid, be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, it shall not be lawful for any Person or Persons, who shall work or navigate any Tilt-boat, Row-barge, or any other Boat or Wherry, for Hire or Gain, to receive, take into, or carry in any such Tilt-boat or Row-barge, at one and the same Time, any more than Thirty seven Passengers, and Three more Passengers only if brought on Board by the Way; nor to receive, take into, or carry in any other Boat or Wherry, any more than Eight Passengers, and Two more only if called in by the Way; nor to receive, take into, or carry in any Ferry-boat or Wherry allowed to work on Sundays, any more than Eight Passengers at one and the same Time; and if any Person or Persons, who shall work or navigate any such Tilt-boats, Row-barges, Ferry-boats, or other Boats or Wherries, shall receive, take into, or carry, in any such Tilt-boats, Row-barges, Ferry-boats, or other Boats or Wherries, a greater Number of Passengers than what are limited respectively as aforesaid, every such Person or Persons so offending, and being thereof convicted by the Oath of One or more credible Witness or Witnesses, or by the Confession of the Party or Parties before the Lord Mayor of the City of London for the time being, or One or more Justice or Justices of the Peace for the City, County, Town Corporate, Liberty, or Place where the Offence shall be committed, or the Offender shall be found, or on View of any such Justice or Justices, shall for the First Offence forfeit the Sum of Five Pounds, and for the Second Offence forfeit the Sum of Ten Pounds, One Moiety of such Forfeitures to go to the Informer, and the other Moiety to such Uses as the other Penalties and Forfeitures imposed by this Act are particularly directed to be applied; and every Person or Persons who shall offend in the Premisses a Third Time, shall be disfranchised for Twelve Months from working, rowing, or navigating any Boat, Wherry, Vessel, or other Craft, and from enjoying any the Privileges, the Members of the said Company of Watermen, Wherrymen, and Lightermen are intitled to, and do enjoy; and in case any greater Number of Persons shall be received, taken into, or carried in any such Tilt-boats, Row-barges, Ferry-boats, or other Boats or Wherries than are respectively allowed to be carried as aforesaid, and any Passenger or Passengers shall then be drowned, every such Person or Persons who shall work or navigate such Tilt-boats, Row-barges, Ferry-boats, or other Boats or Wherries offending therein, and being thereof lawfully convicted, shall be deemed guilty of Felony, and shall be transported as Felons.

Number of Passengers to be carried by Waterlimited; *viz.*

No Tilt-boat, Row-barge, &c. to take at one Time more than 37 Passengers, and 3 more by the Way; nor in any other Boat or Wherry more than 8 Passengers, and 2 more by the Way; nor in any Ferry-boat or Wherry allowed to work on *Sundays*, any more than 8 Passengers, on pain of forfeiting, on Conviction, for the First Offence 5*l.* for the Second Offence 10*l.* One Half to the Informer. For the Third Offence to be disfranchised for 12 Months from working on the River, and from enjoying the Privileges of the Company. And in case any Person shall be drowned, where a greater Number of Passengers is taken in than is allowed as aforesaid, the Watermen shall be deemed guilty of Felony, and transported as Felons.

IX. And be it further enacted by the Authority aforesaid, That no Person or Persons shall row, work, or navigate any Tilt-boat which shall not be of the Burthen of Fifteen Tons, nor row, work, or navigate any Boat or Wherry which shall not be of the Burthen of Three Tons, in the Long Ferry between London Bridge and Gravesend; except such Boat as shall be hired by any one Person for his own Use; upon pain of forfeiting for every such Offence the Sum of Ten Pounds; One Moiety whereof shall go to the Informer, and the other Moiety to such Uses as the other Penalties and Forfeitures imposed by this Act are particularly directed to be applied.

The Burthen of Tilt-boats and other Boats navigated between *London Bridge* and *Gravesend* ascertained. On the Penalty of 10*l.* One Half to the Informer.

X. And whereas there have of late Years been worked and navigated in the Long Ferry between *London Bridge* and *Gravesend* divers Boats and Wherries which have been built in Imitation of Tilt-boats with close Decks, whereby the Lives of His Majesty's Subjects have been often in imminent Danger, and many Persons have been drowned; therefore to prevent the same for the future, be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, it shall not be lawful for any Person or Persons whatsoever to row, work, or navigate any Boat or Wherry with a close Deck, commonly called Gravesend

No *Gravesend* Boats, or Wherries, with close Decks, or Bails nailed down, and not moveable, to be navigated;

Gravesend Wherries, or with Bails nailed to the said Boats and Wherries, and which are not moveable, for the carrying or recarrying of Passengers for Hire or Gain between London Bridge and Gravesend aforesaid (Tilt-boats only excepted) upon pain that every Person or Persons so offending, and being thereof convicted in the Manner aforesaid, shall forfeit and pay the Sum of Ten Pounds; One Moiety whereof shall go to the Informer, and the other Moiety to such Uses as the other Penalties and Forfeitures imposed by this Act are particularly directed to be applied.

Tilt-boats only excepted; on the Penalty of 10*l.* One Half to the Informer.

XI. And be it further enacted by the Authority aforesaid, That when and as often as any Watermen or Wherrymen rowing in or belonging to such Boat or Boats shall wilfully or negligently lose his or their Tide or Tides, either from Billingsgate to Gravesend, or from Gravesend to Billingsgate, by putting on Shore for the taking in of other Passenger or Passengers than whom they at first departed and set out with (except as herein is directed) or by waiting or loitering by the Way, by Means whereof the said Passengers respectively therein shall be set or landed short by the Space of Two Miles or upwards of either of the said Ports or Places to which they are bound, that then and in every such Case all and every such Passenger or Passengers shall be, and is, and are hereby discharged from paying for their said respective Passages or Voyages; any Law, Usage, or Custom to the contrary notwithstanding.

Any Watermen or Wherrymen wilfully or negligently losing their Tide from *Billingsgate* to *Gravesend*, or from *Gravesend* to *Billingsgate*; by putting ashore for other Passengers, or by waiting or loitering by the Way; so that the first Passengers shall be set on Shore Two Miles short of the Place to which they are bound; such Passengers are discharged from paying any Thing for their Passage.

XII. And whereas many Inconveniencies and Casualties have frequently happened, and do often arise and happen, to the endangering of the Lives of His Majesty's Subjects passing and repassing by Water to and from *London* and *Gravesend* in Tilt-boats and other Boats and Wherries, which are navigated for Hire or Gain, for want of a due Regulation of the Time and Times of Departure of the said Tilt-boats and other Boats and Wherries at and from the said respective Ports and Places of *London* and *Gravesend*, and for want of navigating the said Boats respectively with good and able Hands; be it therefore further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty seven, the Rulers and Overseers of the said Company of Watermen, Wherrymen, and Lightermen, or the major Part of them, shall from time to time appoint Two or more proper Officers, who shall give their constant Attendance, as well by Night as by Day, at every Time of High Water at London Bridge and the First of Flood at Gravesend; that is to say, One or more of such Officers at Billingsgate, and One or more of other such Officers at Gravesend, who as near as is possible at every Time and Times of High Water, and the First of Flood aforesaid, shall publickly ring a Bell at each of the said Places respectively, to be provided and hung up for that Purpose by the said Rulers and Overseers or the major Part of them, and to continue ringing of the same by the Space and Time of Fifteen Minutes, to give Notice to the said respective Tilt-boats and other Boats and Wherries who design to pass the said Ferry between London and Gravesend by that Tide, to put off and set forward on their said respective Ferries or Voyages, either from London to Gravesend, or from Gravesend to London, as the Case shall be; and if after ringing of such Bell at each of the said Places respectively by the Time and Space aforesaid any such Boat or Boats plying or waiting for Passengers, or having Passengers on board, or there being and designing to pass the said Ferries, or either of them, with Passengers on board, shall not immediately depart, and effectually proceed on their several and respective Voyages, without lying by in the River, or putting again on Shore within Two Miles of the said respective Ports or Places of Billingsgate or Gravesend, as the Case may be, for the taking in of any Goods, Passenger or Passengers; or if any such Boat or Boats shall not be provided with, and during the said whole Ferry or Voyage be navigated by, Two sufficient and able-bodied Men, the younger thereof to be of the Age of Eighteen Years at the least; then and in every such Case, and so as often as the same shall happen, the Owner and Owners of all and every such Boat and Boats not departing, or lying by, or putting on Shore, or not being provided with, and navigated by, Two able and sufficient bodied Men, as aforesaid, shall forfeit and pay the Sum of Five Pounds, being first convicted thereof on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace of the Counties, Cities, Town Corporate, Liberty, or Place where the said Offence or Offences shall be committed, or the Offender can be found, to be levied and recovered upon the said Boat or Boats, Wherry or Wherries, Sails, Tilts, and Tackle thereto belonging, and on the Goods and Chattels of all and every the Owners of such Boat or Boats, Wherry or Wherries respectively, in such Manner as the other Penalties and Forfeitures to be incurred by this Act are directed to be levied; One Moiety of such Penalties and Forfeitures to go to the Rulers and Overseers of the said Company of Watermen, Wherrymen, and Lightermen; and the other Moiety thereof to the Informer or Informers who shall prosecute for the same.

Clause regulating the Times of Departure of the Tilt-boats and Wherries from *London* to *Gravesend*, and from *Gravesend* to *London*; and for providing able Watermen.

The Rulers of the Watermens Company to appoint Two or more Officers to attend, one at *Billingsgate* at every Time of High Water at *London Bridge*, and the other at *Gravesend* at the first of Flood; who shall publickly ring a Bell for 15 Minutes, to give Notice to the Tilt-boats and Wherries to put off.

If such Wherrymen, *&c.* do not immediately put off on ringing the said Bell; and do not effectually proceed on their Voyage, but put on Shore within Two Miles of *Billingsgate* or *Gravesend*, as the Case may be; and if such Boats are not navigated by Two sufficient Men, the youngest to be 18 Years old at least; in every such Case the Owners of all such Boats shall forfeit 5*l.* on Conviction; to be levied on the Boats, Tackle, or Goods of the Owners of such Boats; one Moiety to the Company, the other to the Informer.

XIII. And be it further enacted by the Authority aforesaid, That in case the said Overseers and Rulers of the Company of Watermen, Wherrymen, and Lightermen, or the major Part of them, shall neglect to set up, or cause to be set up, such Bell or Bells at the Places aforesaid (which they are hereby authorized and impowered to do) and to appoint a proper Officer or Officers as aforesaid, to ring the same, within the Space of Fourteen Days after the said Twenty fourth Day of June, One thousand seven hundred and thirty seven, or shall neglect to appoint such proper Person or Persons from time to time thereafter, to ring the same; the said Rulers and Overseers shall forfeit and pay the Sum of Fifty Pounds, one Moiety whereof shall go to the Poor of the Parish where such Offence shall be committed, and the other Moiety to such Person or Persons who shall inform and sue for the same by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster; wherein no Essoign, Privilege, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

Penalty of 50*l.* on the Company of Watermen, on Neglect of setting up the said Bells, and appointing proper Persons to ring them.

The said Penalty to go one Half to the Poor, the other to the Informer.

XIV. And

XIV. And in case any such Officer or Officers so to be appointed as aforesaid, shall neglect to ring such Bell or Bells at the Time and Times herein directed, he shall forfeit and pay for every such Offence the Sum of Forty Shillings, to be levied, recovered, and applied in the same Manner as the other Penalties and Forfeitures are by this Act directed to be levied, recovered, and applied.

Penalty of 40 s. on such Persons as are appointed to ring the said Bells, for every Neglect.

XV. And be it further enacted by the Authority aforesaid, That all the Penalties and Forfeitures which shall be incurred and forfeited by virtue of this Act, except such of them as are hereby otherwise directed to be levied and recovered, shall and may be levied and recovered by Distress and Sale of the Offender's Goods and Chattels by Warrant or Warrants under the Hand and Seal or Hands and Seals of the Lord Mayor of the said City of London, or One or more Justice or Justices of the Peace for the said City for the time being, or One or more Justice or Justices of the Peace for any County, City, Town Corporate, Liberty, or Place where the Offence shall be committed, or the Offender shall be found; and for want of sufficient Distress it shall be lawful to and for the said Lord Mayor of the said City of London for the time being, or any One or more Justice or Justices of the Peace for the said City, or for the County, City, Town Corporate, Liberty, or Place where the Offence shall be committed, or the Offender shall be found, and he and they are hereby required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the next common or publick Workhouse or House of Correction, there to remain without Bail or Mainprize, and to be kept to hard Labour for any Time not exceeding One Month, nor less than Fourteen Days: And when the said Penalties and Forfeitures (except such of them as are hereby otherwise directed to be paid and applied) shall be levied or recovered, the same shall be paid to the Rulers and Overseers of the said Company, or the major Part of them, for the time being; and shall be by them paid and distributed to the poor aged and decayed Freemen of the said Company, and their Widows: And all Prosecutions for the said Penalties and Forfeitures shall be commenced within One Month next after the Offence shall be committed, and not afterwards.

Powerof Commitment, &c. in want of sufficient Distress.

Penalties, not otherwise directed, how to be applied.

All Prosecutions for Penalties to be commenced in a Month.

XVI. And be it enacted by the Authority aforesaid, That all the Penalties and Forfeitures which shall be incurred or forfeited by virtue of this Act, shall and may be sued and prosecuted for by the Rulers and Overseers of the said Company, or any Two of them for the time being.

The Penalties incurred by this Act may be sued for by the Rulers and Overseers of the Company of Watermen, or any Two of them.

XVII. Provided always, That nothing herein contained shall extend, or be construed to extend, to hinder or prevent any Person or Persons working or navigating any flat-bottomed Boats or Barges, who are intitled to work and navigate the same by virtue of an Act passed in the Fourth Year of His present Majesty's Reign, intituled, An Act to explain and amend a Clause in an Act passed in the Second Year of His Majesty's Reign (for making more effectual several Acts relating to Watermen, Wherrymen, and Lightermen rowing on the River *Thames*) so far as the same relates to Ferry-boats and flat-bottomed Boats, in such Manner, and to and from such Places as in and by the said Act is directed and prescribed, nor to subject them, or any of them, to any of the Penalties and Forfeitures by this Act to be imposed.

Proviso in favour of Persons navigating Boats, &c. by virtue of the Act 4 *Geor.* II. *cap.* 21.

XVIII. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons, for any Thing to be done in pursuance of this Act, every such Suit or Action shall be brought and commenced within Six Months next after the Fact committed, and not afterwards; and shall be brought and tried in the City of London, or Counties of Middlesex, Surrey, Essex, Kent, Bucks, or Berks, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to be so done, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall or may recover treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs in any other Cases by Law.

All Suits commenced in pursuance of this Act, to be prosecuted within 6 Months after the Fact, where to be tried.

Defendants may plead the General Issue. If a Verdict go against the Plaintiff; if he be nonsuited, &c. the Defendant to have treble Costs.

XIX. And it is hereby further enacted and declared, That this Act shall be deemed and taken to be a Publick Act, and all Judges, Justices, and other Persons, are to take Notice thereof as such in all Courts and Places whatsoever, without special pleading the same.

This Act to be deemed a Publick Act.

CAP. XXXII.

An Act for continuing *An Act for the more effectual punishing wicked and evil disposed Persons, going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice*; and for continuing Two Clauses to prevent the cutting or breaking down the Bank of any River, or Sea Bank; and to prevent the malicious cutting of Hop-binds, contained in an Act passed in the Sixth Year of His present Majesty's Reign; and for the more effectual Punishment of Persons removing any Materials used for securing Marsh or Sea Walls, or Banks, and of Persons maliciously setting on Fire any Mine, Pit, or Delph of Coal, or Cannel Coal, and of Persons unlawfully hunting or taking any Red or Fallow Deer in Forests or Chases, or beating or wounding Keepers, or other Officers, in Forests, Chases, or Parks; and for more effectually securing the Breed of Wildfowl.

WHEREAS the Laws herein after mentioned, which by Experience have been found useful and beneficial, are near expiring; may it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That an Act made in the Ninth Year of the Reign of His late Majesty King George the First, intituled, An Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice, which was to continue in Force from the First Day of June, One thou-

Preamble reciting the Acts

9 *Geor.* I. *cap.* 22.

12 *Geo.* I. ſand ſeven hundred and Twenty three, for the Space of Three Years, and from thence to the End of the then next Seſſion of Parliament; and which by an Act made in the Twelfth Year of the Reign of His ſaid late Majeſty King George the Firſt, was continued from the Expiration thereof for Five Years, and from thence to the End of the then next Seſſion of

6 *Geor.* II. Parliament; and which by a Clauſe in another Act made in the Sixth Year of the Reign of His preſent Majeſty, intituled, An Act for making perpetual the ſeveral Acts therein mentioned, for the better Regulation of Juries, and for impowering the Juſtices of Seſſion or Aſſizes for the Counties Palatine of *Cheſter*, *Lancaſter*, and *Durham*, to appoint a ſpecial Jury in Manner therein mentioned; and for continuing the Act for regulating the Manufacture of Cloth in the *Weſt-Riding* of the County of *York* (except a Clauſe therein contained) and for continuing an Act for the more effectual puniſhing wicked and evil-diſpoſed Perſons going armed in Diſguiſe, and for other Purpoſes therein mentioned; and to prevent the cutting or breaking down the Bank of any River, or any Sea Bank; and to prevent the malicious cutting Hop-binds;

13 & 14 *Car.* I. and for continuing an Act in the Thirteenth and Fourteenth Years of the Reign of King *Charles* the Second, for preventing Theft and Rapine on the Northern Borders of *England*; and for reviving and continuing certain Clauſes in Two other Acts made for the ſame Purpoſe; was further continued from the First Day of September, One thouſand ſeven hundred and thirty three, to the First Day of September, One thouſand ſeven hundred and thirty ſix, and from thence to the End of the then next Seſſion of Parliament, is near expiring; ſhall be, and is hereby further continued from the Expiration thereof, until the First Day of September, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty four, and from thence to the End of the then next Seſſion of Parliament, and no longer.

continued. made perpetual by 31 G. 2. c 42.

Clauſes in the Act 6 *Geor.* II. *cap.* 37. *ſect.* 5. made perpetual by 31. G. 2. C. 42. for. 1041.

II. And be it further enacted by the Authority aforeſaid, That the Clauſe in the ſaid Act made in the ſaid Sixth Year of the Reign of His preſent Majeſty, which enacts, That if any Perſon or Perſons, during the Continuance of the ſaid Act made in the ſaid Ninth Year of the Reign of his ſaid late Majeſty King George the Firſt, ſhall unlawfully and maliciouſly break or cut down the Bank or Banks of any River, or any Sea Banks, whereby any Lands ſhall be overflowed or damaged, every ſuch Perſon, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death without Benefit of Clergy; ſhall be and is hereby further continued, during the Continuance of the laſt before mentioned Act.

continued. made perpetual by 31 G. 2. C. 42. fol. 1041.

III. And be it further enacted by the Authority aforeſaid, That another Clauſe in the ſaid Act made in the ſaid Sixth Year of the Reign of His preſent Majeſty, which enacts, That if any Perſon or Perſons, during the Continuance of the ſaid Act made in the Ninth Year of the Reign of his ſaid late Majeſty King George the Firſt, ſhall unlawfully and maliciouſly cut any Hop-binds, growing on Poles in any Plantation of Hops, every ſuch Perſon or Perſons, being thereof lawfully convicted, ſhall be guilty of Felony, and ſhall ſuffer Death without Benefit of Clergy; ſhall be, and is hereby further continued, during the Continuance of the before mentioned Act, intituled, An Act for the more effectual puniſhing wicked and evil-diſpoſed Perſons going armed in Diſguiſe, and doing Injuries and Violences to the Perſons and Properties of His Majeſty's Subjects, and for the more ſpeedy bringing the Offenders to Juſtice.

Proviſions of an Act 9 *Geor.* I. in Force, in caſe of Offence againſt this Act. made perpetual by 31. G. 2. C. 42. for. 1042.

IV. And be it further enacted by the Authority aforeſaid, That all the Proviſions made in the before mentioned Act of the Ninth Year of the Reign of His late Majeſty King George the Firſt, for the more ſpeedy and eaſy bringing the Offenders againſt the ſaid Act to Juſtice, and the Perſons who ſhall conceal, aid, abet, or ſuccour ſuch Offenders, and for making Satisfaction and Amends to all and every the Perſon and Perſons, their Executors and Adminiſtrators, for the Damages they ſhall have ſuſtained or ſuffered by any Offender or Offenders againſt the ſaid Act, and for the Encouragement of Perſons to apprehend and ſecure ſuch Offender and Offenders, and for the better and more impartial Trial of any Indictment or Information which ſhall be found, commenced, or proſecuted for any of the Offences committed againſt the ſaid Act, together with all Reſtrictions, Limitations, and Mitigations by the ſaid Act directed, ſhall during the Continuance of the ſaid Act extend to and be of Force and Effect in all Caſes of Offences committed by unlawfully and maliciouſly breaking down or cutting down the Bank or Banks of any River, or any Sea Bank, whereby any Lands ſhall be overflowed or damaged, or by unlawfully and maliciouſly cutting any Hop-binds growing on Poles in any Plantation of Hops, or by wilfully and maliciouſly ſetting on Fire, or cauſing to be ſet on Fire, any Mine, Pit, or Delph of Coal, or Cannel Coal.

V. And whereas it frequently happens, that many idle and diſorderly Perſons employed in Fiſhing-Boats, and others reſiding near the Sea-Coaſts, do unlawfully and maliciouſly cut off, draw up, burn, and deſtroy the Piles, which are drove into the Marſh, or Sea Walls and Banks, whereby the Chalk and other Materials uſed for ſecuring the ſaid Walls and Banks fall away, and oftentimes take away the ſaid Chalk and other Materials uſed for that Purpoſe, and thereby frequent Inundations happen to the Lands lying within the ſaid Walls and Banks, to the great Loſs and Damage of the Owners and Occupiers of the ſaid Lands; for Remedy thereof, be it therefore further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall at any time or times hereafter unlawfully cut off, draw up, or remove and carry away any Piles, Chalk, or other Materials, which are, or at any time hereafter ſhall be, driven into the Ground and uſed for the ſecuring any Marſh, or Sea Walls, or Banks, in order to prevent the Lands lying within the ſame from being overflowed and damaged, it ſhall and may be lawful to and for any One or more of His Majeſty's Juſtices of the Peace reſiding near the Place where the ſaid Offence or Offences ſhall be committed, and ſuch Juſtice or Juſtices is and are hereby reſpectively authorized and required, upon Complaint or Information upon Oath of ſuch Offence (which Oath or Oaths ſuch Juſtice or Juſtices is and are hereby impowered to adminiſter) to ſummon the Party or Parties ſo complained of, or to iſſue his or their Warrant or Warrants to apprehend and bring before him or them the Perſon or Perſons ſo accuſed, complained of, or ſuſpected; and upon his, her, or their Appearance, or Neglect to appear, to proceed to examine the Matter of Fact with which he, ſhe, or they are charged, and upon due Proof thereof made, either by Confeſſion of the Party or Parties ſo accuſed, or upon the Oath or Oaths of one or more credible Witneſs or Witneſſes, to determine the ſame, and to convict the Offender or Offenders; and every Perſon offending herein, and being thereof convicted as aforeſaid, ſhall forfeit

Piles, Chalk, &c. uſed for the Security of Marſhes, not to be removed,

and

and pay the Sum of Twenty Pounds, one Moiety thereof to the Informer, and the other Moiety to the Overseer of and for the Use of the Poor of the Parish wherein such Offence shall be committed; the same to be levied by Distress and Sale of the Offender's Goods and Chattels, together with the Charges of such Distress and Sale, rendring the Overplus (if any be) to the Owner or Owners thereof; and for want of sufficient Distress the said Justice or Justices are hereby required to commit the Person or Persons convicted as aforesaid to the House of Correction, there to remain and be kept at hard Labour for the Space of Six Months.

on Forfeiture of 20 l. to be levied by Distress,

or Imprisonment for Six Months.

VI. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, and during the Continuance of the before mentioned Act of the Ninth Year of the Reign of his late Majesty King George the First, if any Person or Persons shall wilfully and maliciously set on Fire, or cause to be set on Fire, any Mine, Pit, or Delph of Coal or Cannel Coal, every Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons setting Mines of Coal on Fire to suffer Death.

made perpetual 31 G. 2. c. 42.

VII. And whereas several wicked and disorderly Persons armed with Fire-arms, Swords, Staves, Flails, or other offensive Weapons, have frequently entered into several of His Majesty's Forests and Chaces, and into the Chaces of several of His Majesty's Subjects, and there unlawfully hunted, taken, and killed great Numbers of Deer, and also many times violently assaulted, beat, and wounded the Keepers or Officers of such Forests, Chaces, and also of Parks, to the great Damage and Terrour of many of His Majesty's peaceable Subjects: And whereas the said Act of the Ninth Year of His said late Majesty hereby intended to be continued, intituled, *An Act for the more effectual punishing wicked and evil-disposed Persons going armed in Disguise, and doing Injuries and Violences to the Persons and Properties of His Majesty's Subjects, and for the more speedy bringing the Offenders to Justice*, does not extend to the unlawful coursing, hunting, taking in Toils, killing, wounding, or taking away any Red or Fallow Deer fed or kept in open Forests or Chaces where Deer are usually kept, but only to such as are inclosed with Pails, Rails, or other Fences; and such Offences in unincloſed Places are only punishable by the Statute made in the Third and Fourth Years of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act for the more effectual Discovery and Punishment of Deer Stealers*, and which inflicts only a pecuniary Penalty for so doing, whereby such wicked and disorderly Persons are the more emboldened to commit such Offences therein, and it is become necessary to make some further Provision for the Prevention thereof; be it therefore enacted by the Authority aforesaid, That if any Person or Persons, who shall hereafter be convicted of unlawfully coursing, hunting, taking in Toils, killing, wounding, or taking any Red or Fallow Deer in any open or unincloſed Forest or Chace where Deer are usually kept, shall during the Continuance of the said Act of the Ninth Year of his late Majesty, be guilty of a Second Offence of the like Nature, and shall be thereof lawfully convicted upon Indictment or Information, such Person or Persons shall by Judgement of the Court wherein he or they shall be so convicted, be transported to One of his Majesty's Plantations in America for the Space of Seven Years, in like Manner as other Offenders may be transported by the Laws now in Force; and if such Person or Persons shall return into any Part of Great Britain or Ireland within the said Seven Years, every such Person or Persons shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons convicted a second Time of hunting and taking away of Deer out of unincloſed Forests or Chaces, to be transported.

made perpetual 31 G. 2. c. 42. sec. 1042.

VIII. And to the Intent that such Conviction may be with as little Trouble and Expence as possible, be it further enacted by the Authority aforesaid, That such Offender or Offenders shall and may be tried for every such second Offence as aforesaid before the Justices of Assize, Oyer and Terminer, or Gaol-delivery, of and for that County, City, or Place where such second Offence shall be so done and committed, and that the Justice or Justices of the Peace before whom such Offender or Offenders was or were convicted of such first and former Offence, shall certify a true Copy of such Conviction under his or their Hands and Seals to the Quarter Sessions of the County, wherein such first Offence was committed, to be held next after such Conviction had, there to be kept amongst the Records of such Quarter Sessions, and the Clerk of the Peace of such County shall at the Request of the Prosecutor or any other in His Majesty's Behalf certify a Transcript under his Hand and Seal, briefly and in few Words containing the Effect and Tenor of the first and former Conviction of such Offender or Offenders, which Certificate being produced in Court shall be a sufficient Proof that such Offender or Offenders hath or have been before convicted of and for such first and former Offence.

Such Offenders how to be tried.

IX. And be it further enacted by the Authority aforesaid, That if any Person or Persons armed as aforesaid shall, at any time after the Twenty fourth Day of June, One thousand seven hundred and thirty seven, and during the Continuance of the said last mentioned Act of the Ninth Year of His late Majesty, come into any Forest, Chase, or Park, wherein Deer are usually kept (be the same inclosed or not inclosed) with an Intent to course, hunt, take in Toils, kill, wound, or take away any Red or Fallow Deer, and shall there unlawfully beat or wound any Keeper or Keepers, Page or Pages of any such Forest, Chace, or Park, where Deer are usually kept, their Servants or Assistants, in the Execution of his or their Office or Offices, and be thereof lawfully convicted, every such Person or Persons shall be transported to one of His Majesty's Plantations in America for the Space of Seven Years, in like Manner as other Offenders may be transported by the Laws now in Force; and if such Person or Persons shall return into any Part of Great Britain or Ireland within the said Seven Years, every such Person and Persons shall be adjudged guilty of Felony, and shall suffer Death as in Cases of Felony without Benefit of Clergy.

Persons armed coming into a Forest with an Intention to steal Deer, and beating and wounding the Keepers to be transported.

made perpetual 31 G. 2. c. 42. sec. 1042.

X. And whereas by an Act of Parliament passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for making an Act of the Fifth Year of Her Majesty's Reign, for the better Preservation of the Game, perpetual, and for making the same more effectual*, it is enacted, That if any Person, between the First Day of *July* and First Day of *September*, in any Year, shall by Hays, Tunnels, or other Nets, drive and take any Wild Duck, Teal, Widgeon, or any other Water Fowl, in any Places of Resort for Wild Fowl, in the Moulting Season, the Offender being convicted thereof before one Justice of the Peace where the Offence shall be committed, and by the Oath of one credible Witness, shall forfeit Five

Act 9 *Annæ*, c. 25.

Shillings for every ſuch Fowl ſo taken, one Moiety to the Informer, the other to the Poor of the Pariſh where the Offence was done, to be levied by a Warrant of the Juſtice of the Peace before whom the Offender was convicted, by Diſtreſs and Sale of his Goods, and for want of Diſtreſs to be committed to the Houſe of Correction for any time not exceeding One Month, nor leſs than Fourteen Days, there to be whipt and kept to hard Labour; and the Juſtice of the Peace ſhall cauſe ſuch Hays and Nets to be ſeized and immediately deſtroyed in his Preſence: And whereas the ſaid Act has been found by Experience to be ineffectual, by reaſon that the Wild Fowl begin to moult before the Firſt of *July*, and have not done moulting by the Firſt of *September*, ſo that great Numbers of Wild Fowl are yearly deſtroyed contrary to the true Intent and Meaning of the ſaid Act; **therefore for Remedy thereof, be it enacted by the Authority aforeſaid, That if any Perſon ſhall, in any Year between the Firſt Day of** June, **and the Firſt Day of** October, **by Hays, Tunnels, or other Nets, drive and take any Wild Duck, Teal, Widgeon, or any other Water Fowl, in any Marſhes, Fens, or other Places of Reſort for Wild Fowl, and ſhall be thereof convicted in ſuch Manner as in the ſaid Act of the Ninth Year of Her late Majeſty Queen** Anne **is preſcribed, he ſhall be liable to the ſame Penalties to be levied in like Manner, as by virtue of the ſaid Act he would be liable to, if ſuch Offence was committed between the Firſt Day of** July, **and the Firſt Day of** September, **and for want of Diſtreſs be committed to the Houſe of Correction, and there puniſhed as by the ſaid Act is directed.**

Penalty on taking Wild Fowl in Nets in the Moulting Seaſon.

CAP. XXXIII.

An Act for making navigable the River *Rodon*, from a little below a Mill called *Barking Mill* in the County of *Eſſex*, to *Illford* Bridge in the ſaid County.

Preamble.

WHEREAS the River *Rodon*, running from *Great Illford* in the County of *Eſſex* to *Barking* in the ſame County, was till lately wholly unpaſſable for any Boats, Lighters, or other Veſſels, fit to carry any Goods or Merchandizes from *Great Illford* to *Barking* aforeſaid: And whereas by one Indenture, bearing Date on or about the Twenty ſecond Day of *May*, One thouſand ſeven hundred and thirty ſix, and made or mentioned to be made between ſeveral of the Land Owners on each Side of the ſaid River *Rodon* and the Owners or Leſſees of the Mill thereupon at *Barking* aforeſaid of the one Part, and *Joſeph Goodman* of the Precinct of Saint *Catharine's* near the *Tower*, in the County of *Middleſex* Eſquire, of the other Part, reciting amongſt other Things, that the clearing and effecting a Paſſage for flat-bottom Boats, Barges, and other ſmall Boats and Veſſels upon the ſaid River, from *Barking* aforeſaid to *Great Illford* aforeſaid, would be very beneficial to *Great Illford* aforeſaid, and to ſuch Part of the ſaid County of *Eſſex* as was near or adjacent thereunto, and would be very convenient for the Carriage of Corn, Coals, and other Goods and Merchandizes to and from *Great Illford* aforeſaid and Parts adjacent, and to and from *London* and other Parts, as likewiſe for the Carriage of Chalk and other Manure for improving the Lands in and near *Great Illford* aforeſaid and the ſaid Parts adjacent thereunto; and reciting further that the ſaid *Joſeph Goodman* did propoſe at his own proper Coſts and Charges to make the ſaid River navigable from *Barking* aforeſaid to *Great Illford* aforeſaid, it is witneſſed by the ſaid Indenture, that the ſaid ſeveral Land Owners, according to their reſpective Eſtates and Intereſts, did covenant with the ſaid *Joſeph Goodman*, that they would from time to time and at all times from thenceforth permit him the ſaid *Joſeph Goodman*, His Heirs, and Aſſigns, with Workmen and others neceſſary for that Purpoſe, to come upon their Lands and Hereditaments reſpectively, for the clearing and cleanſing the ſaid River, in order to make the ſame navigable, and for removing any Impediments that might be in the ſaid River to hinder the Navigation thereof; and ſuch of the ſaid Land Owners as had an Inheritance in Fee-ſimple in their ſaid Lands and Hereditaments did thereby further give and grant unto the ſaid *Joſeph Goodman* full Power and Authority to dig down or cut away any Part of the ſaid Lands and Hereditaments belonging to them, not exceeding Thirty Feet in Breadth at any one Place, in Order to enlarge the ſaid River for the more eaſy making the ſame navigable: And he the ſaid *Joſeph Goodman* did thereby covenant and agree with the ſaid Land Owners, their Heirs, Executors, Adminiſtrators, and Aſſigns, reſpectively, from time to time to make Satisfaction to the ſaid Land Owners, their Heirs, Executors, Adminiſtrators, and Aſſigns, reſpectively, for all Damages which ſhould accrue to them or their ſaid Lands and Hereditaments, by reaſon of ſuch coming upon, or ſuch digging down or cutting away the ſame as aforeſaid, to be aſcertained in Manner therein mentioned, or in Default thereof to be recovered by Action: And whereas the ſaid *Joſeph Goodman* did ſoon after the making of the ſaid Indenture begin to make the ſaid River navigable from *Barking* to *Great Illford* aforeſaid, for flat-bottom Boats, Barges, and other ſmall Boats and Veſſels, as herein before mentioned, and hath ſince made ſo conſiderable a Progreſs therein, that the ſame is almoſt compleated, and is willing at the ſole Charge and Expence of him the ſaid *Joſeph Goodman*, his Heirs, and Aſſigns, fully to finiſh and perfect the ſame as ſoon as may be: And whereas ſeveral Eſtates and Intereſts in all or the greateſt Part of the ſaid Lands and Hereditaments lying within or on each Side of the ſaid River are limited to Perſons not in Being, or to Infants or Feme-coverts, or are under ſome Entail or Settlement, by Reaſon whereof ſuch Perſons will not be bound by the Covenants in the ſaid Indenture: And whereas the ſaid *Joſeph Goodman*, and the ſaid ſeveral other Parties to the ſaid Indenture who had executed the ſame, being fully ſenſible thereof, have agreed that the ſaid Indenture ſhould be of no Force or Effect, from and after the paſſing of an Act of Parliament relating to the Premiſſes, except only as to ſuch Acts, Matters, and Things as have been done before the making thereof: And whereas the Liberty of coming upon the ſaid Lands and Hereditaments for removing any Impediments or Obſtructions in the ſaid River, in order to make the Navigation thereof ſafe and eaſy, will be precarious, and cannot be ſecured to the ſaid *Joſeph Goodman*, his Heirs, and Aſſigns, without the Aid of an Act of Parliament: And whereas the making Rivers navigable is a Means to advance Trade, increaſe Watermen, and is for the Good and Advantage of the Publick in general, beſides the particular Benefit which will thereby accrue to the Towns or other Parts adjacent or near to ſuch Rivers; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid** Joſeph Goodman, **his Heirs, and Aſſigns, ſhall be and he and they is and are hereby impowered and authorized, at his and their own proper Coſts and Charges to make or continue navigable and paſſable for Boats, Lighters, Barges, and other Veſſels, the ſaid River** Rodon, **from a little below the ſaid Mill at** Barking **aforeſaid, where the ſame now or lately ceaſed to be navigable, to the Bridge at** Great Illford **aforeſaid, which lies next the ſame; and likewiſe to amend, improve, and make better, the Paſſage for Boats, Lighters, Barges,**

Joſeph Goodman impowered to make the ſaid River navigable,

Barges, and other Veſſels, on the ſaid River, from ſuch Place as aforeſaid, to the ſaid Bridge at Great Illford aforeſaid; and for thoſe Purpoſes to clean, ſcour, open, or enlarge the ſaid River or any Part thereof, and to dig or cut away the Banks of the ſame on either Side, not exceeding Thirty Feet in Breadth, if ſufficient is not already dug or cut away for thoſe Ends and Purpoſes, and to remove all Impediments and Obſtructions whatſoever on ſuch Part of the ſaid River as aforeſaid, which may any Ways hinder the Navigation thereof, and do ſuch other lawful and reaſonable Matters and Things as ſhall be really and bona fide requiſite for the making or improving of the Navigation of ſuch Part of the ſaid River as aforeſaid, and maintaining and preſerving the ſame from time to time, he the ſaid Joſeph Goodman, his Heirs, and Aſſigns, firſt giving or making Satisfaction from time to time to the Owners or Proprietors of ſuch Lands or Hereditaments, for his or their coming upon or digging or cutting away the ſame or any Part thereof, for the effecting or maintaining the ſaid Navigation, as in and by this Act is hereafter directed or appointed. making Satisfaction for Damages.

II. And be it further enacted by the Authority aforeſaid, That he the ſaid Joſeph Goodman, his Heirs, and Aſſigns, and all other Perſon or Perſons whatſoever, paying ſuch Toll to the ſaid Joſeph Goodman, his Heirs, and Aſſigns, as herein after is mentioned, ſhall from time to time and at all times hereafter during the Time or Tide of Flood, but at no other Time, have free Way and Paſſage through the Flood-gates or other Gates now ſet up, or hereafter to be ſet up, at the ſaid Mill of Barking aforeſaid; and that no other Flood-gates or other Gates or Deviſe whatſoever ſhall hereafter be made or ſet up by the Owners or Leſſees of the ſaid Mill, their Aſſigns or Under-tenants, or by any other Perſon or Perſons whatſoever, in, over, or adjoining to the ſaid River, or any Part thereof, which may hinder, obſtruct, or deſtroy the Navigation of the ſame, in ſuch Part thereof as is intended to be made or continued by virtue of this preſent Act. Free Paſſage through the Flood-gates at the time of Flood.

III. And for the better effecting the Premiſſes, and due rating and ſettling what Satisfaction ſhall be given or made according to the Intent of this Act; be it further enacted by the Authority aforeſaid, That Thomas Fanſhaw, John Henry Merttins, Robert Surman, Walter Vane, Thomas Wight, John Simpſon, Edmund Tyrrell, William Harris, Thomas Collett, Thomas Spearman, James Brittain, George Stringer, William Johnſon, William Rayment, Thomas Simpſon, Criſpe Gaſcoyne, Daniel Thomas, Peter Lefebour, Roger Vaughan, and James Walmſley, ſhall be and are hereby conſtituted and made Commiſſioners for adjuſting the ſaid Rates, and determining what Satisfaction ſhall be given or made for coming upon the ſaid Lands and Hereditaments on each Side the ſaid River, and for ſuch Part thereof as ſhall be digged or cut away, for the carrying on or continuing the Navigation aforeſaid. Commiſſioners appointed for adjuſting Rates and Damages.

IV. And be it therefore enacted by the Authority aforeſaid, That if any Hurt, Loſs, or Damage ſhall be done or happen to the ſaid Lands or Hereditaments on each Side the ſaid River or Mills, or to the Owners or Proprietors thereof, by the ſaid Joſeph Goodman, his Heirs, or Aſſigns, his or their coming upon the ſame, for the Purpoſes aforeſaid, or if any Part thereof ſhall be cut or dug away by the ſaid Joſeph Goodman, his Heirs, or Aſſigns, for the Purpoſes aforeſaid by virtue of this preſent Act; and the ſaid Owners or Proprietors, and the ſaid Joſeph Goodman, his Heirs, and Aſſigns, cannot agree the ſame among themſelves; or if ſuch Owner or Proprietor ſhall be under Age, or a Feme-covert, or only Tenant for Life, or under ſome other Incapacity or Impediment, whereby he or ſhe are diſabled, or cannot by Law impower the ſaid Joſeph Goodman, his Heirs, or Aſſigns, to dig or cut away any Part of the ſaid Lands or Hereditaments on each Side the ſaid River, as may be neceſſary for the carrying on and continuing the Navigation aforeſaid: That then and in every ſuch Caſe upon Complaint or Repreſentation being thereof made to the ſaid Commiſſioners, or any Five of them, by the ſaid Owners or Proprietors, or the ſaid Joſeph Goodman, his Heirs, or Aſſigns reſpectively, then they the ſaid Commiſſioners, or any Five of them, may and ſhall appoint any convenient Time or Times, Place or Places within Four Miles of Illford aforeſaid, as they ſhall think fit, for their Meeting, of which Fourteen Days Notice ſhall be given to all Perſons concerned by Warrant from them, or any Five of them, to be left at the Dwelling-houſe of the Party or Parties concerned, or at the uſual Place of his, her, or their Abode (or of ſome Tenant or Occupier of the ſaid Lands or Hereditaments, on each Side the ſaid River, in Caſe ſuch Party or Parties ſhall not inhabit within Twelve Miles of their ſaid Lands or Hereditaments) And the ſaid Commiſſioners or any Seven of them may from time to time as they ſhall ſee Cauſe, meet at any Place within Four Miles of the ſaid Town of Illford, and then and there ſhall and may enquire by Examination of Witneſſes upon Oath, which the ſaid Commiſſioners or any Seven of them are hereby impowered to adminiſter, and by all other lawful Ways and Means which may tend to manifeſt the Truth, what and how much Loſs or Damage hath or ſhall or may be ſuſtained by ſuch coming upon, or ſuch digging or cutting away, any Part of the ſaid Lands or Hereditaments as aforeſaid for the Purpoſes aforeſaid; and upon ſuch Enquiry ſhall and may determine, order, and decree, what and how much Satisfaction the Owners and Proprietors of the ſaid Lands and Hereditaments on each Side the ſaid River, or of the ſaid Mills, ſhall have for the Hurt, Loſs, and Damage they ſhall have ſuſtained reſpectively, for ſuch coming upon their Lands and Hereditaments as aforeſaid, or done to the ſaid Mill; as alſo for ſuch Part of his, her, or their ſaid Lands or Hereditaments as ſhall be ſo digged or cut away as aforeſaid; which Lands and Hereditaments ſo to be digged or cut away ſhall not be valued at more than after the Rate of Twenty four Years Purchaſe according to the true yearly Value thereof, and ſhall proportion or determine what Share or Part of the Money ſo to be paid in Satisfaction as laſt mentioned for ſuch Lands or Hereditaments ſo digged or cut away any Tenant or other Perſon or Perſons having a particular Eſtate, Term, or Intereſt in any of the Premiſſes, ſhall have or receive for his, her, or their reſpective Intereſts; which ſaid Determinations, Orders, or Decrees, ſhall be binding to all Intents and Purpoſes againſt the Owners and Proprietors of the ſaid Lands and Hereditaments on each Side the ſaid River, and of the ſaid Mill, and the ſaid Joſeph Goodman, their Heirs, Executors, Adminiſtrators, and Aſſigns reſpectively, and all others claiming any Title or Intereſt in the ſaid Lands or Hereditaments Commiſſioners Determination to be final,

ditaments in Poſſeſſion, Reverſion, Remainder, or otherwiſe, as well Infants, Femecoverts, Tenants in Tail, as others, and their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, and all claiming by, from, or under him, her, or them, or any of them: And the ſaid Determinations, Orders, and Decrees ſhall be drawn up and ſet down in Writing under the Hands and Seals of the ſaid Commiſſioners, or any Seven of them, to be kept among the Records of the Seſſions of the Peace for the County of Eſſex by the Clerk of the Peace for the time being of the ſaid County; all which ſhall be taken and adjudged, and is hereby declared to be, good and ſufficient Evidence and Proof in any Court of Law or Equity whatſoever: And what Sum or Sums of Money ſhall be ordered or decreed as aforeſaid as a Satisfaction to the Owners or Proprietors of the ſaid Lands or Hereditaments on each Side the ſaid River, and of the ſaid Mill, for his the ſaid Joſeph Goodman, his Heirs, or Aſſigns, coming upon their ſaid Lands or Hereditaments as aforeſaid, ſhall be paid to ſuch Perſon or Perſons reſpectively, or due Tender thereof made, at his, her, or their Dwelling-houſe, within One Month next after the ſame ſhall be ſo ordered or decreed, or in Default thereof it ſhall and may be lawful to and for the ſaid Owners and Proprietors reſpectively to recover the ſame againſt the ſaid Joſeph Goodman, his Heirs and Aſſigns, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed, together with their full Coſts of Suit reſpectively; and what Sum or Sums of Money ſhall be ordered or decreed as aforeſaid, to be paid to any Perſon or Perſons under ſuch Diſability or Incapacity as before mentioned for ſuch digging or cutting away any Part of the ſaid Lands and Hereditaments as aforeſaid, ſhall be paid into the Hands of any one of the ſaid Commiſſioners for their Uſe, and to be received by them when ſuch their Diſability or Incapacity ſhall be determined or removed; and what Sum or Sums of Money ſhall be ordered or decreed to be paid to any other Perſon or Perſons for ſuch digging or cutting away as aforeſaid, ſhall be paid to them reſpectively, or due Tender thereof made, before ſuch digging or cutting away ſhall be commenced, at his, her, or their Dwelling-houſe, if they have any ſuch within Twelve Miles of the ſaid Town of Illford, and if not, then upon Payment of the ſaid Sum or Sums into the Hands of any One of the ſaid Commiſſioners for the Uſe of ſuch Perſon or Perſons it ſhall and may be lawful (but not before) to and for the ſaid Joſeph Goodman, his Heirs, or Aſſigns, and his and their Servants and Workmen, to dig or cut away ſo much of the ſaid Lands and Hereditaments on each Side and next the ſaid River, not exceeding Thirty Feet in Breadth as aforeſaid, for which ſuch Satisfaction ſhall be ſo decreed for the better effecting and continuing the Navigation of the ſaid River: And this Act ſhall be ſufficient to indemnify the ſaid Commiſſioners, and the ſaid Joſeph Goodman, his Heirs, and Aſſigns, and all other Perſons authorized by the ſaid Joſeph Goodman, his Heirs, and Aſſigns, againſt the reſpective Owners or Occupiers of every or any the ſaid Lands or Hereditaments, their reſpective Heirs, Executors, Adminiſtrators, and Aſſigns, and againſt all and every other Perſon and Perſons whatſoever, for all and every Act and Acts, Thing and Things, that from time to time ſhall be done by virtue of and conformable to the ſame, for or relating to the making and continuing the ſaid River navigable, or uſing, enjoying, paſſing upon, or maintaining the ſame, any Law or Statute or Statutes to the contrary thereof in any wiſe notwithſtanding: And in caſe the ſaid Owners or Proprietors, or the ſaid Joſeph Goodman, his Heirs, or Aſſigns, or any other Perſon or Perſons concerned, having ſuch Notice as aforeſaid, ſhall refuſe or neglect to appear before the ſaid Commiſſioners, or any Seven of them, that then the ſaid Commiſſioners, or any Seven of them, upon Oath to them made that the ſaid Party or Parties ſo refuſing or neglecting to appear were duly ſerved with ſuch Notice according as is herein before directed (which Oath the ſaid Commiſſioners, or any Two of them, are likewiſe hereby impowered to adminiſter) ſhall proceed to enquire of and concerning the Premiſſes, and to determine, order, and decree, what and how much Satisfaction ſhall be made for ſuch coming upon the ſaid Lands or Hereditaments, or digging away ſuch Part of the ſame, as aforeſaid, in ſuch Manner as they ſhould or might have done if the ſaid Perſon or Perſons reſpectively had actually appeared before them: And the ſaid Determinations, Orders, and Decrees ſo made, ſhall likewiſe be as binding to the ſaid Parties not appearing, and as valid and good in Law to all Intents and Purpoſes, as they ſhould or might have been, if the ſaid Parties had appeared before the ſaid Commiſſioners purſuant to the ſaid Notice.

and to be kept among the Records of the Seſſions for *Eſſex*.

Satisfaction for Damages how to be paid.

On Non-appearance of the Parties, the Commiſſioners may proceed to enquire of the Damage done,

and their Determination to be valid.

V. Provided always, That no ſuch Commiſſioner or Commiſſioners ſhall ſit or act in any Caſe, wherein he or they is or are any Ways intereſted or concerned.

No Commiſſioner to act in the Caſe wherein he is concerned.

VI. And be it further enacted by the Authority aforeſaid, That for ſupplying the Number of the ſaid Commiſſioners in Caſe of Death, the ſurviving Commiſſioners, or any Ten of them, ſhall from time to time by Inſtrument under their Hands and Seals, to be entered or regiſtered by the Clerk, who from time to time ſhall be appointed by the ſaid Commiſſioners to attend upon them, nominate and appoint ſome other Perſon or Perſons, having an Eſtate in Lands of the yearly Value of One hundred Pounds at the leaſt, or perſonal Eſtate to the Value of Two thouſand Pounds at the leaſt, in the Place of him or them that ſhall ſo die; which ſaid new Commiſſioner or Commiſſioners ſo nominated or appointed ſhall from thenceforth have like Power and Authority in all Things relating to the Matters aforeſaid, or to the Navigation of the ſaid River, as if he or they had been expreſly named in this preſent Act.

Vacancies how to be ſupplied.

If the Water be raiſed above its uſual Height, Satisfaction is to be made for Damage of adjacent Lands.

VII. And be it further enacted by the Authority aforeſaid, That if the ſaid Joſeph Goodman, his Heirs, or Aſſigns, ſhall by virtue or colour of this Act by any Means raiſe the Water in the ſaid River above its ancient or uſual Height, whereby the ſaid adjacent Lands ſhall be damaged by the overflowing thereof more than they have formerly been; that then the ſaid Joſeph Goodman, his Heirs, and Aſſigns, ſhall make Recompence and Satisfaction to the Owners and Proprietors of the ſaid Lands or Hereditaments on each Side the ſaid River, to be aſcertained and recovered by ſuch Ways and Means as the Damages aforeſaid are before directed to be aſcertained and recovered, and not otherwiſe.

VIII. And

VIII. And forasmuch as making the said River navigable, and the improving and continuing the Navigation of the same, has already, and will necessarily be a great Charge and Expence to the said *Joseph Goodman*, his Heirs, and Assigns; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Joseph Goodman, his Heirs, and Assigns (and no others) from time to time and at all times hereafter to demand, ask, receive, and take to his and their own proper Use and Behoof, of and from all and every Person and Persons that shall carry or convey any Goods, Merchandizes, Wares, or Commodities whatsoever, up or upon such Part of the said River so intended to be made navigable as aforesaid, the Rates and Tolls herein after mentioned, at such Place or Places adjoining to the said River as the said Joseph Goodman, his Heirs, or Assigns, shall think fit; that is to say, Rates for Conveyance of Goods.

For every Chaldron of Coals, *London* Measure, One Shilling.
For every Hundred of Deals, Two Shillings.
For every Load of Timber, accounting Fifty Feet to the Load, Two Shillings.
For every Ten Packs of Wooll, accounting Ten Tod to the Pack, Two Shillings.
For every Load of Wheat or Barley, reckoning Five Quarters to the Load, One Shilling.
For every Load of Oats, reckoning Five Quarters to the Load, Nine Pence.
For every Load of Beans and Pease, reckoning Five Quarters to the Load, One Shilling.
For every Load of Malt, reckoning Five Quarters to the Load, One Shilling.
For every Ton Weight of other Goods, Wares, Merchandizes, or Commodities whatsoever, One Shilling and Six Pence, and so proportionably for every greater or lesser Quantity than a Ton.

IX. And to the Intent that the said Joseph Goodman, his Heirs, and Assigns, and his and their Agents and Servants, may discover and know the Quantity and Quality of all such Goods and Commodities as shall at any time be carried or conveyed up or upon such Part of the said River so intended to be made navigable as aforesaid, for which any Rate or Toll is payable as aforesaid, and that all and every the said Rates and Tolls may be justly and duly paid, be it further enacted by the Authority aforesaid, That every Waterman and other Person or Persons that at any time shall carry or convey upon the same, or any Part thereof, any such Goods, Wares, Merchandizes, or Commodities, for which any Rate or Toll is payable by virtue of this Act, shall (upon Demand) give or cause to be given, a just and true Account in Writing of the Quantity and Quality of all and every such Goods, Wares, Merchandizes, and Commodities by him or them carried or conveyed as aforesaid, and of the Name and Names of the respective Owner or Owners thereof to the said Joseph Goodman, his Heirs, and Assigns, or to his or their Servants or Agents; and in case of Refusal or Neglect to give such Account in Writing, or to pay the Rates or Tolls payable by this Act, on Demand as aforesaid, the said Joseph Goodman, his Heirs, and Assigns or his or their Agents or Servants, may detain or make stay of any Goods or Commodities for which the said Rates or Tolls ought to be paid, or of the Vessels in which the said Goods or Commodities shall be carried and conveyed, until a true Account in Writing of the Quantity and Quality of the said Goods and Commodities, and of the Name and Names of the said respective Owner and Owners shall be given as aforesaid, and all and every the Rates and Tolls due and payable for the same shall be fully satisfied and paid; or in case of Nonpayment of the said Rates and Tolls the said Joseph Goodman, his Heirs, and Assigns, may sue for the same by Action of Debt, wherein no Essoign, Protection, or Wager of Law, shall be admitted or allowed, or by Action upon the Case, in any Court of Record: And if the said Joseph Goodman, his Heirs, or Assigns, or his or their Agents or Servants, shall at any time suspect that the said Account so to him or them given by any such Waterman or other Person as aforesaid is not a fair and true Account; that then it shall and may be lawful to and for the said Joseph Goodman, his Heirs, and Assigns, and his or their Servant or Servants, Agent or Agents, to cause all and every the said Goods and Commodities, concerning which he or they shall have such Suspicion, to be measured or weighed, or may make Tale of the same, according as the Nature, Quality, or Quantity of the said Goods or Commodities shall require, at such Place or Places where the same shall be landed: And if the Owner of the said Goods and Commodities, or any other Person or Persons, shall refuse to permit, or shall otherwise hinder the said Joseph Goodman, his Heirs or Assigns, or his, their, or any of their Servants or Agents, to measure, weigh, or otherwise take an Account of the said Goods or Commodities, or any Part thereof; that then the said Owner, or other Person or Persons so hindering or refusing to permit as aforesaid, shall pay to the said Joseph Goodman, his Heirs, or Assigns, the Sum of Five Pounds for every Parcel of Goods or Commodities for or concerning which such Refusal or Hindrance shall be made as aforesaid (over and besides the Rates and Tolls payable for the same by virtue of this Act as aforesaid) to be recovered by Action of Debt in any Court of Record, wherein no Wager of Law, or any more than one Imparlance, shall be admitted or allowed. And in case any Waterman, or other Person or Persons managing or employed in any Boats or Vessels upon the said River, and carrying or conveying any Goods or Commodities for which any Rates or Tolls are payable as aforesaid, shall at any time conceal or any or any Part of such Goods or Commodities, or shall give an Account of a less Quantity of such Goods or Commodities than the Truth is, then and in such Case the said Joseph Goodman, his Heirs, and Assigns, and his or their Servant or Servants, may refuse to permit all and every such Person or Persons so concealing or giving such untrue Account as aforesaid, to pass with any Boats or Vessels, or to carry or convey any more Goods or Commodities up or upon such Part of the said River as aforesaid, and may stop all and every the Vessels that shall be managed by such Person and Persons, or in which such Person or Persons shall be employed (whether the said Person or Persons be Owners of the said Vessels or not) until he or they shall become bound to the said Joseph Goodman, his Heirs, or Assigns, or to such Person or Persons who shall claim the said Tolls by, from, or under him or them, in a Bond not exceeding the Sum or Penalty of Twenty Pounds, upon Condition to give a full and true Account of the Quantity or Quality of all such Goods or Commodities as at any Time afterwards shall be carried or conveyed up or upon such Part

An Account of the Goods carried on the River to be given, or the same to be detained, till Account and Payment be made.

The Goods, on Suspicion of Fraud, to be weighed, &c.

Penalty on not permitting the Goods to be weighed, &c.

or concealing them.

of

of the ſaid River as aforeſaid by him or them, or in ſuch Veſſels where he or they ſhall ſerve or be employed, or to that Purport or Effect.

Proprietors of the Mill, may carry Materials for its repair, and their Corn Toll-free.

X. Provided always, That the Owners, Proprietors, or Occupiers of the ſaid Will on the ſaid River at Barking as aforeſaid, ſhall and may from time to time as often as Occaſion ſhall require, have Liberty to carry or convey in his or their own Boats up and upon ſuch Part of the ſaid River as aforeſaid all ſuch and ſo much Earth and other Materials as ſhall be made uſe of for amending or repairing his or their ſaid Will, and the Dams, Banks, and Gates thereto belonging, or to carry their Corn or Meal through the Floodgates, in order to load or unload the ſame at the Back of the ſaid Will, but not for any other Purpoſe, without paying any Tolls or Payments whatſoever to the ſaid Joſeph Goodman, his Heirs, or Aſſigns, for ſo paſſing, carrying, or conveying ſuch Earth or Materials, Corn or Meal, and no other, any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding,

Maſters of Boats, &c. reſponſible for Damages thereby done.

XI. And for the preventing of Damages and Miſchiefs that may be done and committed by rude and diſorderly Perſons managing or employed in the ſaid Boats, Lighters, and other Veſſels, and that the Owners and Maſters of the ſaid Boats, Lighters, and Veſſels may be more careful to prevent the ſame; be it enacted by the Authority aforeſaid, That every Boat-maſter, or Owner of any Lighter or Veſſel that ſhall paſs up or upon ſuch Part of the ſaid River as aforeſaid, ſhall be and is hereby made anſwerable and reſponſible for any Damage or Miſchief that ſhall be done by his Boat or Lighter, or other Veſſel or Veſſels, or the whole or any Part of the Crew of the ſame, to the Navigation of the ſame, or for any Treſpaſs or Damage done to the Owner or Poſſeſſor, of any Lands or Tenements near or adjoining to the ſaid River, or to the ſaid Will, contrary to the true Intent and Meaning of this Act; and the ſaid Boat-maſter, or Owner of any Veſſel as aforeſaid, ſhall and may be ſued and proſecuted for the ſame, and if found guilty, the Plaintiffs ſhall not only recover the Damages thereby ſuſtained, but full Coſts of Suit; and in Caſe any Waterman or Watermen, or others, ſhall place or lay any Boat or Boats, Veſſel or Veſſels, in any Part of the ſaid River, either above or below the ſaid Will, ſo as to obſtruct the Paſſages of other Boats or Veſſels, and upon Requeſt ſhall refuſe to remove the ſaid Veſſel or Veſſels into ſome other Place where there may be no ſuch Obſtructions, that then it ſhall and may be lawful for the ſaid Joſeph Goodman, his Heirs, and Aſſigns, and his and their Agents or Servants, and all and every other Perſon and Perſons authorized or appointed by him or them, to enter into all and every the Boats or Veſſels cauſing ſuch Obſtruction, and to remove them higher or lower on the Water as they ſee Cauſe, to ſuch Place where they ſhall not cauſe ſuch Obſtruction as aforeſaid; and in Caſe of oppoſing or refuſing to permit the ſaid Joſeph Goodman, his Heirs, or Aſſigns, or his or their Servant or Servants, Agent or Agents, or other Perſon or Perſons authorized or appointed by him or them as aforeſaid, to enter into ſuch Veſſel or Veſſels ſo obſtructing, in order to remove the ſame as aforeſaid, That then every Perſon ſo oppoſing or refuſing ſhall or may by Warrant from One or more of his Majeſty's Juſtices of the Peace of the ſaid County be apprehended by the Conſtable of the Pariſh within which ſuch Obſtruction ſhall be, and by the ſaid Conſtable be had before the next or any other Juſtice of the Peace for the ſaid County, who upon Proof of the ſaid Matter by One or more credible Witneſs or Witneſſes upon Oath (which Oath the ſaid Juſtice ſhall adminiſter) is hereby authorized and required to

Against obſtructing the Paſſage of the River.

Penalty on not removing Obſtructions.

order ſuch Perſon and Perſons to pay the Sum of Five Pounds to the ſaid Joſeph Goodman, his Heirs, or Aſſigns, and upon his or their Refuſal or Neglect of the Payment thereof for the Space of Ten Days, then it ſhall and may be lawful to and for the ſaid Juſtice to commit the ſaid Perſon or Perſons ſo refuſing or neglecting to pay the ſaid Sum of Five Pounds to the next Houſe of Correction within the ſaid County, there to remain without Bail or Mainprize for the Space of One Month, as a Puniſhment for ſuch his and their Obſtinacy and Perverſeneſs; and in Caſe any Damage ſhall be ſuſtained by any Perſon or Perſons navigating the ſaid River by Means of any wilful Obſtructions as aforeſaid, the Owner or Owners of the Boat or Veſſel ſo cauſing ſuch Obſtruction ſhall make Satisfaction for the Damage ſo ſuſtained to the Perſon or Perſons who ſhall ſuffer the ſame, to be recovered by Action of Debt, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, or by Action upon the Caſe, in any Court of Record.

Perſons having Eſtates adjacent to the River, may keep Pleaſure-boats, and paſs Toll-free,

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Perſon having an Eſtate or Eſtates in Fee-ſimple, Fee-tail, or for Life or Lives, in any of the ſaid Lands or Hereditaments on each Side ſuch Part of the ſaid River as aforeſaid, to have and keep upon the ſame a Boat or Boats for his or their Pleaſure, to row and ſail up and upon the ſame, without any Moleſtation or Hindrance whatſoever, and ſhall not be liable to pay any Rate or Toll whatſoever therefore; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

provided they carry no Goods.

XIII. Provided always, That the Owner or Owners of the ſaid Boat or Boats, or other Perſon or Perſons uſing the ſame for Pleaſure with their Conſent or Leave, ſhall not carry any Goods or Merchandizes in the ſaid Boats, contrary to the Intent and Meaning of this Act.

Privileges of Fiſhing and Fowling not hereby taken away.

XIV. Saving always, and reſerving unto the Lord or Lords of the Manor or Manors, and all other Perſon and Perſons, Owners, or Proprietors, or intitled to the Royalties or Privileges, or Liberties of Fiſhing or Fowling, in or upon ſuch Part of the ſaid River ſo intended to be made navigable as aforeſaid, their and every of their Rights, and Right of Fiſhing and Fowling in and upon the ſame, in ſuch Manner as they had and enjoyed, or might have had or enjoyed the ſame before the making of this preſent Act; any thing herein contained to the contrary thereof in any wiſe notwithſtanding.

XV. And be it further enacted by the Authority aforesaid, That this present Act shall be deemed, taken, and allowed in all Courts within this Kingdom as a publick Act, and all Judges and Justices are hereby required to take Notice thereof as such, without special pleading the same. Publick Act.

CAP. XXXIV.

An Act to disable *Alexander Wilson* Esquire, from taking, holding, or enjoying any Office or Place of Magistracy, in the City of *Edinburgh*, or elsewhere in *Great Britain*; and for imposing a Fine upon the Corporation of the said City.

WHEREAS upon *Tuesday* the Seventh Day of *September*, in the Year of our Lord One thousand seven hundred and thirty six, there was a most seditious and outrageous Riot in the City of *Edinburgh*, in that Part of *Great Britain* called *Scotland*, notoriously concerted and carried on by great Numbers of wicked, disorderly, and blood-thirsty Persons, who did with open Force and Violence seize the Arms of the City Guard, possess themselves of the City Gates, and by setting fire to and breaking open the Door of the *Talbooth* of the said City did unlawfully and audaciously rescue and set at large several Criminals therein confined: And whereas Captain *John Porteous*, then a Prisoner there under Sentence of Death, but graciously reprieved by the Queen's most Excellent Majesty, as Guardian of the Realm, was by the said Rioters in a cruel Manner dragged from the said Prison, and most barbarously hanged by the Neck, and murdered, in manifest Violation of the Publick Peace, in Defiance and Subversion of legal Government, in High Contempt of our Sovereign Lord the King and his Laws, and to the most presumptuous and unparallelled Obstruction of the Royal Mercy: And whereas for some time before the committing of the said Murther and Riot it was commonly reported in the said City of *Edinburgh*, that some such atrocious Fact would be attempted, which by proper Care in the Magistrates, Citizens, and Inhabitants of the said City might have been prevented; notwithstanding which, *Alexander Wilson* Esquire, then and now Provost of the said City, and then actually resident in the said City, and fully apprized of the said wicked Design, did not take any Precautions to prevent the said Murther and Riot, nor use the proper or necessary Means to suppress the same, or to preserve the Peace of the said City, or after the Perpetration of the Fact, to discover, apprehend, or secure the Authors, Actors, or Abettors thereof, in manifest Violation of the Trust and Duty of his Office of Chief Magistrate of the said City; nor were any Means or Endeavonrs used by the Citizens and Inhabitants of the said City to prevent or suppress the said notorious Riot, or to hinder the said inhuman and barbarous Murther, or to discover the Persons concerned therein, in order to bring them to Justice: Preamble.

Now, in order to express the highest Detestation and Abhorrence of the said Murther and Riot, and to the End that the said enormous Misbehaviours and Neglects of Duty herein before mentioned may not go unpunished, and that other Persons may not presume through Hopes of Impunity to be guilty of the like for the future; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Alexander Wilson **be, and he is hereby, from and immediately after the passing this Act disabled and made incapable to have, hold, exercise, or enjoy the said Office of Provost of the said City of** Edinburgh; **and that he the said** Alexander Wilson **be, and he is hereby for ever hereafter, disabled and rendered incapable to have, hold, exercise, or enjoy any Office or Place of Magistracy in the said City of** Edinburgh, **or elsewhere in** Great Britain. The Provost disabled from holding any Office of Magistracy.

II. **And it is further enacted by the Authority aforesaid, That a new Provost be immediately chosen in the Room of the said** Alexander Wilson, **in the same Manner as if the said** Alexander Wilson **was naturally dead.** A new Provost to be chosen.

III. **And be it further enacted by the Authority aforesaid, That the Corporation of the said City of** Edinburgh **do forfeit the Sum of Two thousand Pounds Sterling, to be paid out of their Common Good, to His Majesty by the Magistrates and Town Council of the said City; which said Sum of Two thousand Pounds shall be applied to and for the sole Use and Benefit of the Widow of the said deceased Captain** John Porteous. Fine on the Corporation.

CAP. XXXV.

An Act for the more effectual bringing to Justice any Persons concerned in the barbarous Murther of Captain *John Porteous*, and punishing such as shall knowingly conceal any of the said Offenders.

WHEREAS upon *Tuesday* the Seventh Day of *September*, in the Year of our Lord One thousand seven hundred and thirty six, great Numbers of wicked, desparate, and blood-thirsty Persons of most detestable Principles unlawfully assembled within the City of *Edinburgh*, in that Part of *Great Britain* called *Scotland*, with open Force and Violence seized the Arms of the City Guard, possessed themselves of the City Gates, broke open the Door of the *Talbooth* of the said City, and laid violent Hands upon Captain *John Porteous* then a Prisoner there under Sentence of Death, but graciously reprieved by the Queen's most Excellent Majesty as Guardian of the Realm, and having in a cruel Manner dragged him from the said Prison, hanged him by the Neck, and barbarously murthered him, in manifest Violation of the publick Peace, in Defiance and Subversion of legal Government, in high Contempt of our Sovereign Lord the King and his Laws, and to the most presumptuous and unparallelled Obstruction of the Royal Mercy: And whereas many of the wicked and desperate Persons acting, aiding, and assisting in committing the said Outrages, Riot, and barbarous Murther, have absconded, and fled, to avoid their being brought to Justice: And whereas upon Discoveries already made, criminal Letters under the Seal of the Court of Justiciary in that Part of *Great Britain* called *Scotland*, have been raised and executed against several of the said Persons; and, upon further Discovery, the like Process may be issued out of the said Court against others who have likewise withdrawn themselves; Preamble.

be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons, against whom (for any of the Offences aforesaid) criminal Letters issuing out of the said Court of Justiciary have been, or hereafter may be, raised and executed, shall in due Course by Law be declared Fugitive, on or before the first Day of May, **in the Year One thousand seven hundred and thirty** Fugitives not surrendering themselves, to suffer Death.

thirty eight, for not appearing to abide his or their legal Trial, and shall not render him or themselves to One or more of the Judges of the said Court of Justiciary, within the Space of Twelve Kalendar Months from and after the Day of pronouncing the respective Sentence or Sentences of Fugitation against them, such Person or Persons shall stand attainted of Felony to all Intents and Purposes, and shall suffer and incur Pains of Death and Confiscation of Moveables.

Upon their Surrendry to be committed to safe Custody, &c.

II. Provided always, That if any Person or Persons, against whom such Sentence of Fugitation shall be pronounced as aforesaid, shall surrender him or themselves within the said Twelve Months after such Sentence of Fugitation shall be pronounced, then and in such Case the Judge or Judges of the said Court of Justiciary shall and they are hereby impowered, authorized, and required to issue his or their Warrant or Warrants for committing such Person or Persons to safe Custody, there to remain until they are discharged by due Course of Law; and thereof to give Notice immediately to one of His Majesty's Principal Secretaries of State, and to His Majesty's Advocate for Scotland for the time being, or his Deputy.

Persons concealing them to suffer Death.

III. And be it further enacted by the Authority aforesaid, That all and every Person or Persons in that Part of Great Britain called Scotland, who after the Times appointed for the Surrender of the Persons declared Fugitive as aforesaid are expired, shall conceal, aid, abet, or succour them, or any of them, who shall not have rendered themselves in Manner aforesaid, knowing him or them to be so declared Fugitive, being thereof lawfully convicted, shall be punished with the Pains of Death and Confiscation of Moveables.

This Act to be read every First *Sunday* in the Month, for one Year.

IV. And to the End that this Act may be the better notified, and that none may pretend Ignorance thereof, be it further enacted by the Authority aforesaid, That this Act shall be read in every Parish Church throughout that Part of Great Britain called Scotland on the first Sunday or Lord's Day in every Month for One whole Year, from the First Day of August, in the Year One thousand seven hundred and thirty seven, by the Minister of the Parish, or such Minister as shall preach in such Parish Church respectively, on such Sunday or Lord's Day in the Morning, immediately before the Sermon; and in Case such Minister shall neglect to read this Act, as is hereby directed, he shall for the first Offence be declared incapable of sitting or voting in any Church Judicature; and for the second Offence, be declared incapable of taking, holding, or enjoying any Ecclesiastical Benefice in that Part of Great Britain called Scotland; and that the said Offenders may be prosecuted by summary Complaint to the Court of Session, or by Process before any Court of Justiciary at the Instance of His Majesty's Advocate.

Clause in favour of impeachers,

V. And for the more effectual discovering, apprehending, and bringing to Justice any Person or Persons concerned in the said Riot and barbarous Murther, be it further enacted by the Authority aforesaid, That if any Person or Persons concerned in the said outrageous Riot and Murther shall, before the First Day of February next, discover and apprehend, or cause to be apprehended, any other Person or Persons who hath or have been guilty of the said Offences, so as the Person or Persons so discovered shall be convicted of the said Riot, and Murther, every such Person or Persons making such Discovery, shall be freed and discharged from all Prosecution had or to be had concerning the same.

Reward for Informers,

VI. And as a further Encouragement to such discovering, apprehending, and convicting of any of the said Offenders, be it further enacted by the Authority aforesaid, That any Person or Persons who shall, before the said first Day of February next, discover and apprehend, or cause to be apprehended, any of the Persons concerned in the said Riot and Murther, so as he, she, or they be convicted thereof, shall have and receive for every Person so discovered, apprehended, and convicted, the Sum of Two hundred Pounds Sterling, to be paid out of any of His Majesty's Revenues.

who may be Witnesses.

VII. Provided always, and it is hereby further enacted, That the Person or Persons making such Discovery, and intitled to such Reward as aforesaid, shall not thereby be disabled to be a Witness against the Person or Persons upon whose Conviction or Convictions such Reward shall become due; any Law, Usage, or Determination to the contrary thereof in any wise notwithstanding.

CAP. XXXVI.

An Act for enlarging the Term and Powers granted by an Act passed in the Eighth Year of the Reign of his late Majesty King *George* the First, *For repairing the Highways from the Stones End at* White-chapel Church, *in the County of* Middlesex, *to* Shenfield, *and to the furthermost Part of the Parish of* Woodford, *leading to the Town of* Epping, *in the County of* Essex; and for repairing the Road leading from the Causeway in the Parish of *Low Layton* (through *Wanstead*) to the End of the Parish of *Woodford* next to the Parish of *Chigwell*, in the said County of *Essex*.

Preamble, reciting the Act 8 *Geor.* I. *cap.* 30.

WHEREAS by an Act passed in the Eighth Year of his late Majesty King *George* the First, intituled, *An Act for repairing the Highways from the Stones End at* White-chapel Church, *in the County of* Middlesex, *to* Shenfield, *and to the furthermost Part of the Parish of* Woodford, *leading to the Town of* Epping, *in the County of* Essex, several Tolls, Duties, and Powers were granted and made payable for the Term of Twenty one Years, to commence from the Twenty fifth Day of *March*, One thousand seven hundred and twenty two: And whereas the Trustees appointed to put the said Act in Execution have upon the Credit thereof borrowed a considerable Sum of Money, in order to amend the Roads directed to be repaired; Part of which Money so borrowed is still due and owing: And although all the Money borrowed together with the Income of the said Tolls (except what hath been paid in Part of Principal, and for the Interest of the Money borrowed, and towards other necessary Expences) have been duly laid out according to the Directions of the said Act; yet some Part of the said Roads in the Winter Season are in a ruinous Condition, and cannot effectually be repaired according to the true Intent and Meaning of the said former Act, nor can the Money now due upon the Credit thereof be repaid, unless the Terms and Powers granted by the said former Act be further enlarged, and the same made more effectual, *&c.*

The Tolls are farther continued for 21 *Years.*

CAP. XXXVII.

CAP. XXXVII.

An Act to prevent the Act made in the Twenty first Year of the Reign of King *James* the First, intituled, *An Act for Limitation of Actions, and for avoiding Suits in Law*, being pleaded, insisted on, or taken Advantage of, by any Persons claiming under the last Will of *Richard Norton* Esquire, of *Southwick*, deceased, against any Claim, Title, or Demand which *Thomas Norton* Esquire, hath to or upon the Manor of *Old Alresford*, and Lands in the County of *Southampton*, settled by Indenture of the Fifth of *March*, One thousand six hundred and fifty seven, or the Rents and Profits thereof.

WHEREAS *Richard Norton* late of *Southwick* in the County of *Southampton*, Esquire, by Writing dated on or about the Twenty fourth of *June*, One thousand seven hundred and fourteen, importing to be his last Will and Testament (after his Funeral Expences, Legacies, and Debts shall be fully and punctually discharged and paid) devises, wills, and gives all his Real and Personal Estate (except as therein mentioned) to the Poor (that is to say) to the Poor, Hungry, and Thirsty, Naked and Strangers, Sick and Wounded, and Prisoners; and appoints the Poor aboveſaid to be his absolute Heir and Heirs to the End of the World, and constitutes the Legislature of *Great Britain* his Executors: And whereas by virtue of an Act of Parliament made and passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act to enable certain Persons to propound the Papers importing to be the last Will, Codicils, and Testamentary Schedules of* Richard Norton *late of* Southwick *in the County of* Southampton, *Esquire, deceased, in the Prerogative Court of* Canterbury, *and to sue for Administration with the same annexed*; *Mark Frecker*, *Nicholas Paxton*, and *John Lawton* Esquires, were appointed to propound the said Paper-writing or Testamentary Schedule, and to take Administration, so far as relates to the Personal Estate of the said *Richard Norton*, and to apply and administer the same according to the Rules of Law and Equity; and they have accordingly obtained Letters of Administration from the Ecclesiastical Court with the said Paper-writing or Testamentary Schedule annexed, and possessed the said *Richard Norton*'s Personal Estate to a very great Value: And whereas *Thomas Norton* of *Ixworth*, in the County of *Suffolk*, Esquire, lays Claim to the Manor of *Old Alresford*, and other Lands and Tenements in the County of *Southampton*, lately possessed by the said *Richard Norton*, deceased, and to the Rents and Profits thereof, or of some Part thereof, from the Year One thousand seven hundred and eight, down to the Time of the Death of the said *Richard Norton*, by virtue of a Settlement made of the Premisses, or of some Part thereof, by Indenture bearing Date on or about the Fifth Day of *March*, One thousand six hundred and fifty seven: And whereas by an Act of Parliament, made and passed in the Twenty first Year of the Reign of King *James* the First, intituled, *An Act for Limitation of Actions, and for avoiding Suits in Law*, it was amongst other Things enacted, That no Person or Persons should at any Time thereafter make any Entry into any Lands, Tenements, or Hereditaments, but within Twenty Years next after his or their Right or Title should accrue to the same; and that all Actions of Debt for Arrearages of Rent should be commenced within Six Years after such Cause of Action accrued: And whereas the said *Thomas Norton* about *Michaelmas* Term, in the Year One thousand seven hundred and thirty three, did exhibit his Bill in the High Court of Chancery against the said Administrators, and His Majesty's Attorney General, for a Discovery, Account of, and Satisfaction for the Profits of the Premisses, while the said *Richard Norton* held the same: And whereas the said Administrators have in their Answer to the said Bill insisted on the Statute of Limitations, in Bar to the said *Thomas Norton*'s Demands, and hope to have the like Advantage thereof, as if they had pleaded the same, *&c.*

Preamble.

Act 6 *Geo.* II. *cap.* 32.

1 Atk. 524.

21 *Jac.* I. *c.* 16.

Anno undecimo GEORGII II. Regis.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued by several Prorogations to the Twenty fourth Day of *January*, 1737, being the Fourth Session of this present Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty eight.

CAP. II.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

CAP. III.

An Act for repairing the Road leading from the *Trent Bridge* in the County of the Town of *Nottingham*, through *Costock*, otherwise *Cortlingstock Lane*, to the Bridges, commonly known by the Name of *Cotes Bridges*, in the County of *Leicester*.

WHEREAS the Road leading from the *Trent Bridge* in the County of the Town of *Nottingham*, through *Costock*, otherwise *Cortlingstock Lane*, to the Bridges commonly known by the Name of *Cotes Bridges*, in the County of *Leicester*, by Reason of the Deepness of the Soil thereof and many heavy Carriages frequently passing through the same is become very ruinous, and some Parts of the said Road in the Winter Season are so bad, that Waggons and other Carriages cannot pass without great Danger: And whereas the said Road cannot by the ordinary Course appointed by the Laws now in Force for repairing the Highways of this Kingdom be effectually amended, unless some other Provision be made for raising Money to be applied for that Purpose, *&c.*

Preamble.

Certain Tolls are granted from 10 May, 1728, *for* 21 *Years.*

CAP. IV.

An Act for laying a Duty of Two Penies *Scots*, or One Sixth Part of a Peny *Sterling*, upon every *Scots* Pint of Ale and Beer which ſhall be brewed for Sale, brought into, vended, tapped, or ſold, within the Town of *Aberbrothock*, and Liberties thereof.

Preamble. WHEREAS the Situation of the Town of *Aberbrothock* in the Shire of *Forfar* is ſuch, that a commodious Harbour there will not only tend to the Advantage of the Trade within the ſaid Town, but be of great Uſe to the Navigation in general upon the Northern Coaſts of that Part of *Great Britain* called *Scotland*: And whereas ſome Years ſince the Harbour there became ſo decayed, that it was hazardous for ſmall Veſſels to ſail into the ſame, whereupon the then Provoſt, Baillies, and Council of the ſaid Town, did cauſe the Foundation of a new Harbour to be laid, and the Work was carried on for ſome Years at the ſole Expence of the ſaid Town and Inhabitants thereof, whereby large Debts were contracted, and they being unable to proceed in the ſaid Work, ſeveral charitable Contributions were made and duly applied towards carrying on the ſame: And whereas the ſaid Town are uncapable to finiſh and compleat the Works of the ſaid Harbour (ſo neceſſary for the Subſiſtence of the ſaid Town, and uſeful to the Trade thereof) and to diſcharge the Debts already contracted on Account thereof, and to rebuild the Town-houſe and common Priſon of the ſaid Town, which are now very old and decayed, and to repair the Streets and Cauſeways, which are in a very ruinous Condition, unleſs ſome other Proviſion be made for raiſing Money for thoſe Purpoſes, *&c.*

CAP. V.

An Act for taking down and rebuilding the Church of the Pariſh of *All Saints* in the City of *Worceſter*.

Preamble. WHEREAS the Pariſh Church of *All-Saints* in the City of *Worceſter* is a very ancient Fabrick, and notwithſtanding conſiderable Sums of Money have been laid out by the Inhabitants of the ſaid Pariſh in repairing and ſupporting the ſame, Part thereof hath fallen down, and the other Part which is ſtanding, is in the Opinion of judicious Workmen incapable of being repaired: But as the Expence of taking down and new erecting thereof will be too heavy for moſt of the Pariſhioners, *&c.*

CAP. VI.

An Act for enlarging the Term and Powers granted by Two Acts of Parliament, One of the Third, and the other of the Tenth Year of the Reign of his late Majeſty King *George* the Firſt, *For repairing the Highways from that Part of* Counters Bridge *which lies in the Pariſh of* Kenſington, *in the County of* Middleſex, *leading through the Towns of* Brentford *and* Hounſlow, *to the* Powder Mills *in the Road to* Staines, *and to* Cranford Bridge *in the ſaid County, in the Road to* Colnbrooke.

Preamble, reciting the Act 3 *Geo.* I. not printed, & 10 *Geo.* I. *c.* 6. WHEREAS by an Act of Parliament paſſed in the Third Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Highways from that Part of* Counters Bridge *which lies in the Pariſh of* Kenſington, *in the County of* Middleſex, *to the* Powder Mills *in the Road to* Staines, *and to* Cranford Bridge *in the ſaid County, in the Road to* Colnbrooke, ſeveral Tolls, Duties, and Powers were granted and given for repairing the ſaid Highways; which ſaid Act was to take Place from and after the Firſt Day of *July*, One thouſand ſeven hundred and ſeventeen, and from thence to have Continuance for and during the Term of Eleven Years: And whereas by another Act paſſed in the Tenth Year of the Reign of his ſaid late Majeſty King *George* the Firſt, *For enlarging the Term granted by the ſaid Act paſſed in the Third Year of his ſaid Majeſty's Reign, and for making the ſaid Act more effectual*, it was enacted, That the ſaid former Act, and all and every the Powers, Authorities, Articles, Rules, Penalties, and Clauſes therein mentioned or contained ſhould be of full Force and Effect, and ſhould continue and be executed from and after the Expiration of the aforeſaid Term of Eleven Years, for the further Term of Seventeen Years from thence next enſuing, for the Purpoſes in the ſaid Acts mentioned: And whereas great Progreſs has been made in mending of the Highways directed to be repaired by the ſaid before mentioned Acts; but the Tolls and Duties thereby granted are ſo much reduced ſince the Building a Bridge croſs the River of *Thames*, from the Town of *Fulham* in the County of *Middleſex*, to the Town of *Putney* in the County of *Surrey*, and by other Means, that the ſame do not raiſe a ſufficient Sum of Money yearly to repair the ſaid Highways, and there remains due and owing on the Credit of the ſaid Acts, the Sum of Seven thouſand Pounds, or thereabouts, which ſaid Sum cannot be diſcharged, and the Highways effectually amended and kept in good Repair, according to the Intent of the ſaid Two former Acts, unleſs the Terms, Tolls, and Powers thereby granted, be further continued, augmented, and enlarged, and the ſaid Acts made more effectual, *&c.*

The Tolls are farther continued for 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. VII.

An Act for continuing the Term and Powers granted and given by the Acts paſſed in the Eleventh and Twelfth Years of the Reign of King *William* the Third, and in the Ninth and Tenth Years of the Reign of his late Majeſty King *George*, for repairing the Harbour of *Dover*, in the County of *Kent*; and for reſtoring the Harbour of *Rye*, in the County of *Suſſex*, to its antient Goodneſs.

Preamble, reciting the Act 9 *Geo.* I. *c.* 30. WHEREAS an Act of Parliament paſſed in the Ninth Year of the Reign of his late Majeſty King *George*, intituled, *An Act for compleating the Repairs of the Harbour of* Dover, *in the County of* Kent; *and for reſtoring the Harbour of* Rye, *in the County of* Suſſex, *to its ancient Goodneſs*, reciting, That an Act was

11 & 12 *W.* III. *c.* 5. made in the Eleventh and Twelfth Years of the Reign of his late Majeſty King *William* the Third, for the Repair of the ſaid Harbour of *Dover*, and that a Duty of Three Pence *per* Ton was thereby laid upon all ſuch Ships and Veſſels as are in the ſaid laſt mentioned Act deſcribed, for raiſing a Sum of Money therein mentioned; which ſaid Duty was to commence from the Firſt Day of *May*, which was in the Year of our Lord One thouſand ſeven hundred, and to have Continuance till the Firſt Day of *May*, which was in the Year of our Lord One thouſand ſeven hundred and nine; and alſo reciting, That the ſaid laſt mentioned Act

2 *Annæ. c.* 7. was, by another Act made in the Second Year of the Reign of her late Majeſty Queen *Anne*, continued from the Thirtieth Day of *April*, One thouſand ſeven hundred and nine, until the Firſt Day of *May*, One thouſand ſeven hundred and eighteen; and likewiſe reciting, That the ſaid Two laſt mentioned Acts were by another

other Act made in the Fourth Year of the Reign of his late Majeſty King *George*, further continued from the ſaid Firſt Day of *May*, One thouſand ſeven hundred and eighteen, until the Firſt Day of *May*, One thouſand ſeven hundred and twenty ſeven; and it was by the ſaid Act paſſed in the Ninth Year of the Reign of his ſaid late Majeſty King *George*, further recited, That it was found, the ſaid Sum intended to be raiſed by the ſaid Act of the Eleventh and Twelfth Years of his ſaid late Majeſty King *William* the Third, was not ſufficient for the Purpoſes of the ſaid former Acts (ſeveral Breaches and unforeſeen Accidents having happened by Storms and the Rage of the Sea, and extraordinary Works having been found neceſſary to be done for ſecuring the ſaid Harbour of *Dover*) and that unleſs a further Sum was raiſed, the ſaid Harbour could not be effectually repaired and ſecured according to the Intent of the ſaid former Acts, but that the uſeful Works then begun and carried on for the Benefit of the Publick, would be wholly loſt, and the ſaid Harbour again fall to decay, and the Town itſelf be in Danger of being utterly loſt and deſtroyed; and it was alſo recited by the ſaid Act made in the Ninth Year of his ſaid late Majeſty King *George*, That the ancient Harbour of *Rye* was formerly of great Uſe and Benefit to Trade and Navigation, but the ſame was then choaked up and almoſt ruined by the ſhifting of the Breach without, and ſettling of the Sullage within, and by ſtopping the Flux of the Tide, ſo that for preventing the utter Loſs of the ſaid Harbour of *Rye* it was neceſſary to open the ſame, and to let the Tide have free Courſe through certain Places in the ſaid laſt Act mentioned near to the ſaid Harbour, or into ſuch other Cut or Channel as ſhould be found moſt proper and expedient to reſtore the ſaid Harbour; wherefore, and to the End the Works at *Dover* Harbour might be compleated and finiſhed, and the ſame Harbour be effectually repaired and ſecured, and that the ſaid Harbour of *Rye* might be repaired and reſtored to its ancient Goodneſs, and ſecured for the Benefit of Trade and Navigation, it was by the ſaid laſt mentioned Act enacted, That the ſaid Acts reſpectively made in the Eleventh and Twelfth Years of the Reign of his late Majeſty King *William* the Third, and the Second Year of the Reign of her late Majeſty Queen *Anne* (for the Repair of *Dover* Harbour) and every Clauſe, Matter, or Thing in them or either of them contained, and not altered by the ſaid Act made in the Ninth Year of the Reign of his ſaid late Majeſty King *George*, ſhould continue and be in full Force and Virtue till the Firſt Day of *May*, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty four, for the Purpoſes in the ſaid former Acts, and the ſaid Act of the Ninth Year of his ſaid late Majeſty King *George*, mentioned; and that the ſaid Duty of Three Pence *per* Ton granted by the ſaid firſt recited Act, made in the Eleventh and Twelfth Years of the Reign of his ſaid late Majeſty King *William* the Third, for the Repair of *Dover* Harbour, upon all Ships and Veſſels therein deſcribed, ſhould by virtue of the ſaid Act made in the Ninth Year of the Reign of his ſaid late Majeſty King *George*, from the ſaid Firſt Day of *May*, One thouſand ſeven hundred and twenty three, be collected and received in ſuch Manner, and by ſuch Officers and Perſons reſpectively, as in and by the ſaid recited Act of the Eleventh and Twelfth Years of the Reign of his ſaid late Majeſty King *William* the Third, was directed and appointed; which ſaid Duty of Three Pence *per* Ton was by the ſaid Act of the Ninth Year of his ſaid late Majeſty King *George*, directed to be appropriated, divided, and paid for the Benefit of the ſaid Harbours of *Dover* and *Rye*, reſpectively, in Manner following; that is to ſay, One Third thereof ſhould be paid to the Treaſurer for *Dover* Harbour for the time being, to be applied to ſuch Uſes and Purpoſes, as in and by the ſaid former Acts are directed; and the other Two Thirds ſhould be paid to ſuch Perſon as ſhould be appointed Treaſurer for the ſaid Harbour of *Rye*: And whereas by another Act paſſed in the Tenth Year of the Reign of his ſaid late Majeſty King *George*, for making more effectual the ſaid Act made in the Ninth Year of his Reign, for compleating the Repairs of the ſaid Harbour of *Dover*, and for reſtoring the ſaid Harbour of *Rye* to its ancient Goodneſs, ſo far as the ſame related to the Harbour of *Rye*, it was recited, That it was found, that the ſaid Harbour of *Rye* might be made more uſeful and commodious, by opening and making a new Cut or Channel from the *Winchelſea* Channel, right out to the Sea, than if the Method propoſed by the ſaid recited Act made in the Ninth Year of the Reign of his ſaid late Majeſty King *George*, ſhould be purſued: But it being doubted whether the Powers given by the ſaid laſt mentioned Act did extend to the making any new Cut or Channel elſewhere than in the Places deſcribed in the ſaid Act; therefore to explain and amend the ſaid laſt mentioned Act, it is enacted, That the Commiſſioners and the Truſtees for repairing and reſtoring to its ancient Goodneſs the ſaid Harbour of *Rye*, and their Succeſſors, or any Eleven or more of them, ſhall and may erect, or order and cauſe to be done from time to time, all Matters and Things which they ſhall find or judge neceſſary for opening or making any new Cut or Channel from *Winchelſea* Water to the Sea; and for doing all other Works neceſſary for effecting the Purpoſes of the ſaid Act paſſed in the Tenth Year of the Reign of his ſaid late Majeſty King *George*: And whereas very large Sums of Money have been laid out and expended in carrying on the Repairs of both the ſaid Harbours, and great Progreſs hath been made in ſuch Repairs, but the ſame cannot be finiſhed and compleated, unleſs the Term and Powers granted and given in and by the ſaid former Acts be further continued and enlarged; **to the End therefore that ſo uſeful and beneficial Works for the Service of Trade and Navigation may be effectually carried on and perfomed, may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Acts, and all the Clauſes, Powers, Penalties, and Forfeitures, Authorities, Articles, Rules, and Directions therein contained and preſcribed, and now in Force, ſhall continue and be in full Force, and be executed, from and after the Expiration of the Term continued and granted by the ſaid Act paſſed in the Ninth Year of the Reign of his ſaid late Majeſty, for and during the further Term of Twenty one Years, for the Intents and Purpoſes reſpectively mentioned and contained in the ſaid former Acts and this preſent Act, as fully and effectually as if the ſame were herein again repeated and re-enacted in the Body of this preſent Act; any thing in the ſaid former Acts, or in any or either of them, contained to the contrary in any wiſe notwithſtanding.**

4 *Geo.* I. *c.* 13.

10 *Geo.* I. *c.* 7.

The Act 9 G. I. &c. continued for 21 Years.

II. **And be it further enacted by the Authority aforeſaid, That the Term now in Being, and the ſaid additional Term by this Act granted and continued, as to ſuch Part and Parts of the ſaid Duties as are granted and continued by the ſaid former Acts and this preſent Act, and applicable for the Benefit of the ſaid Harbours of** Dover **and** Rye **reſpectively, ſhall be and the ſame are hereby made ſubject and liable to the Payment of all ſuch Money, with the Intereſt thereof, as have been borrowed, or ſhall be borrowed, or due, or to be due, on the Credit, or on Account of all, any, or either of the ſaid former Acts, or this preſent Act.**

The Duties to diſcharge Debts contracted by this and the former Acts.

Duties assignable for Money borrowed.

III. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, at any Time or Times during the Continuance of the said Term now in Being, and the said additional Term, to advance and lend any Sum or Sums of Money on the Credit thereof, to the Treasurer of the said Harbour of Dover for the time being (after his having given such Security as in and by the before recited Act made in the Eleventh and Twelfth Years of King William the Third is mentioned and directed) who is hereby impowered, by Indentures under his Hand and Seal (by and with the Consent and Approbation of the Warden and Assistants of the said Harbour of Dover, or the major Part of them for the time being) to transfer, grant, and convey such Part of the said Duties and Profits as are granted and continued by the said former Acts and this present Act, and applicable for and towards compleating the Repairs of the said Harbour of Dover, for any time not exceeding the Term of Eleven Years, unto such Person or Persons as shall or will upon such Security advance or lend any Sum or Sums of Money, at legal or less Interest, during the Continuance of the Term now in Being, and the said additional Term; which Money so borrowed from time to time for the Use of the said Harbour of Dover, shall be applied and disposed of as that Part of the Duty aforesaid is directed to be applied and disposed of, and to no other Use or Purpose whatsoever.

Publick Acts.

IV. And be it further enacted by the Authority aforesaid, That the said former Acts, and this present Act shall be deemed, adjudged, and taken to be publick Acts, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

CAP. VIII.

An Act for continuing the Terms and Powers granted and given by the Acts passed in the Twelfth and Thirteenth Year of the Reign of his late Majesty King *William*, and the Tenth Year of her late Majesty Queen *Anne*, *For recovering*, *securing*, *and keeping in Repair the Harbour of* Minehead, *in the County of* Somerset.

Preamble reciting the Act 12 & 13 *W.* III. *cap.* 9.

WHEREAS by an Act of Parliament made in the Twelfth and Thirteenth Year of the Reign of his late Majesty King *William* the Third, intituled, *An Act for recovering, securing, and keeping in Repair the Harbour of* Minehead, *for the Benefit and Support of the Navigation and Trade of this Kingdom*; certain Duties (over and besides the ancient and customary Duties and Acknowledgements before the passing the said Act accustomed to be paid to *Tregonwell Lutterell* Esquire, and his Ancestors) were by the said recited Act laid upon such Goods, Merchandizes, and Shipping, as are therein particularly mentioned; which Duties were granted to commence from and after the Twenty fourth Day of *June*, which was in the Year of our Lord One thousand seven hundred and one, and to have Continuance for the Term of Twenty one Years, and to the End of the then next Session of Parliament, for building out a new Head, clearing the Beach and other Works for the securing, preserving, amending, and maintaining the Pier and Harbour of *Minehead*: And whereas, in pursuance of the said Act, a new Head hath been built by the Order of the Trustees impowered to put the said Act in Execution; but the said whole Duties not being sufficient to defray the Charge of compleating and finishing the said Pier, exclusive of the yearly Expence of repairing what had been done, by reason of the great Rage and constant Flowing of the Sea on the same, all the said Rates, Duties, and Sums of Money by the said Act laid and granted, were, by another Act made in the Tenth Year of the Reign of her late Majesty Queen *Anne* (for prolonging the Term for Payment of the said Duties granted by the said recited Act made in the Twelfth and Thirteenth Year of his late Majesty King *William* the Third) further continued, charged upon, and made payable for an additional Term of Sixteen Years, to commence from and after the Expiration of the said Term of Twenty one Years so granted and given as aforesaid: And whereas the Money collected by the Duties granted and continued hath been duly laid out for the several Purposes in the said recited Acts mentioned, but the same hath proved deficient to defray the Expences thereof; and it being necessary to keep the Mouth of the said Harbour clear from the Beach or great Quantities of Stones that are continually forced into it by the Violence of the Sea, whereby the same is frequently choaked up, and to carry on other Works in order to secure the said Harbour, and to keep the same in Repair for the Benefit and Support of the Navigation and Trade of this Kingdom, which cannot be done, unless the Terms and Powers granted and given by the said former Acts (which will expire on the Twenty fourth Day of *June*, One thousand seven hundred and thirty eight) be further continued and enlarged: To the End therefore that the said Works may be compleated and finished, and the Mouth of the said Harbour kept clear of the Beach, and the said Pier be effectually repaired and secured for the future, may it please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Rates, Duties, and Sums of Money by the said recited Acts or either of them imposed or laid upon the several and respective Goods, Wares, Merchandizes, and Shipping therein mentioned (over and above the ancient and customary Duties and Acknowledgements due and accustomed to be paid to the Lord and Lady of the Manor of Minehead for the time being) shall, from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, be continued and be charged upon, and made payable for the same respectively, for and during the further Term of Forty Years; and shall for and during the said additional Term be demanded, taken, levied, collected, ordered, managed, disposed of, and accounted for, by such Ways and Means, and under such and the like Penalties and Provisoes, and with and under such and the like Powers and Authorities, and for such Intents and Purposes, as in and by the said recited Acts are directed, enacted, declared, and provided, in respect of the said several Duties thereby granted and hereby continued; and that all and every the Clauses, Matters, and Things in both the said recited Acts mentioned and contained (except such Clauses as are in the said recited Acts relating to an Act passed in the Ninth and Tenth Year of his said late Majesty King William the Third, For enlarging, repairing, and preserving the Bridge and Key of the Borough of *Bridgewater* in the said County of *Somerset*, and also An Act for repairing the Highways leading from the Town of *Birdlip* and Top of *Crickley Hills* to the City of *Gloucester*, and likewise

The former Acts continued for 40 Years.

Clauses excepted.

to *Anne*, *c.* 24.

wiſe An Act for repairing the Harbour and Key of *Watchet* in the ſaid County of *Somerſet*) ſhall continue and be in full Force and Virtue, and be exerciſed and executed for and concerning the Purpoſes in the Two Acts contained, as fully and effectually, as if all and every of the ſaid Clauſes, Matters, and Things had been particularly and at large expreſſed, repeated, and re-enacted in the Body of this preſent Act.

II. And whereas there were by the ſaid Acts ſeveral Truſtees appointed, ſome whereof are ſince deceaſed, and others do not act; be it enacted by the Authority aforeſaid, That Sir John Trevelyan, Sir William Wyndham, Baronets; William Blake Eſquire, and the Members who ſerve in Parliament for the Borough of Minehead for the time being, Sir William Codrington Baronet, Francis Whitworth, Charles Wyndham, George Trevelyan, John Bampfylde, Edward Dyke, John Periam, Thomas Carew, Cannon Southey, Eſquires; the Reverend William Mogrige, Captain John Coffin, Joſeph Devonſheir, John Devonſheir, Thomas Adams, David Preiſt, Captain Benjamin Hobhouſe, Thomas Weeke, William Hayman, Gentlemen; the Lord or Lady of the Manor for the time being; and the Steward of the Manor of Minehead for the time being, are hereby appointed Truſtees to put this and the former Acts in Execution, with full Power and Authority as in the ſaid Acts is directed, as if the ſame was herein expreſſed at large; whereof Nine of them to be a Quorum, of which the Lord of the Manor for the time being, or the Steward of the Manor for the time being, to be always one; and publick Notice to be given of the Time and Place of the Meeting of the Truſtees, in order to put this and the former Acts in Execution; and the ſaid Meeting to be held at ſome publick Houſe in the ſaid Town of Minehead; and Notice thereof to be affixed on the Town Hall of Minehead by the Water Bailiff for the time being, at leaſt Seven Days before ſuch Meeting; and that as often as the Truſtees ſhall by Death be reduced to the Number of Eleven or under, then the ſurviving Truſtees ſhall with all convenient Speed by any Inſtrument under their Hands and Seals, elect, nominate, and appoint other Truſtees in the Places of ſuch Truſtees ſo dying, ſo as to make up the Number of Twenty five Truſtees in the whole; publick Notice being given of ſuch Meeting of the ſaid Truſtees for ſuch Election as is before directed, at leaſt Fourteen Days before ſuch Meeting; and ſuch Truſtees, ſo from time to time elected and appointed ſhall have the ſame Power and Authority as if they had been nominated and appointed by this or either of the former Acts.

Truſtees Names.

Notice of their Meeting to be given.

on Death of Truſtees, others to be choſen.

III. Provided always, and be it enacted by the Authority aforeſaid, That there ſhall not be more than Twenty five Truſtees at any one Time, and that the Lord or Lady, and the Steward of the Manor of Minehead for the time being, ſhall always be Two of the ſaid Truſtees.

Their Number, &c.

IV. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe the ſaid Pier and Harbour ſhall be let down, or not kept in Repair, ſo as that the ſame ſhall through ſuch Neglect become inſecure and uſeleſs to the Navigation and the Trade of this Kingdom; all and ſingular the ſaid Duties by the ſaid former Acts granted, and by this preſent Act continued, ſhall from thenceforth ceaſe and determine; any thing herein contained to the contrary notwithſtanding.

If the Harbour be not kept in Repair, the Duties to ceaſe.

V. Provided always, and be it further enacted by the Authority aforeſaid, That if any Suit or Action ſhall be brought or proſecuted againſt any Perſon or Perſons for any thing done or to be done in purſuance of the ſaid former Acts, or this preſent Act, or in relation to the Premiſſes; every ſuch Action or Suit ſhall be commenced within Three Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the ſaid County of Somerſet, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, Not guilty, and give the ſaid former Acts, and this preſent Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of the ſaid former Acts, or this preſent Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing thereof, or if the ſame ſhall be brought in any other County or Place; then and in ſuch Caſe or Caſes the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, upon Affidavit made on the Certificate of the Judge before whom ſuch Cauſe ſhall be tried, whereby it may appear, that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants for Matters contained in the ſaid former Acts, or this preſent Act, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Limitation of Actions.

General Iſſue.

Treble Coſts.

VI. And be it further enacted by the Authority aforeſaid, That the ſaid former Acts, and this preſent Act, ſhall be deemed, adjudged, and taken to be publick Acts, from the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty eight, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Publick Acts.

CAP. IX.

An Act for the Relief of ſuch Priſoners for Debt as have by unavoidable Accidents loſt the Benefit of an act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for Relief of Inſolvent Debtors*; and for the Indemnity of ſuch Sheriffs and Gaolers as have incurred any Penalties on Account of ſuch Priſoners not being diſcharged; and for extending the Benefit of the ſaid Act to Creditors, whoſe Debtors were committed to Priſon ſince the Firſt Day of *January*, One thouſand ſeven hundred and thirty, and were detained there upon the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, and have choſe to continue there.

WHEREAS by an Act paſſed in the laſt Seſſion of Parliament, intituled, *An Act for Relief of Inſolvent Debtors*; it was (amongſt other Things) enacted, That the reſpective Sheriffs, Gaolers, and Keepers of Priſons, in the ſaid Act mentioned, ſhould and were thereby required to take and make

Preamble.

Liſts of the Priſoners who on the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, were in their Cuſtody; and to deliver the ſame to the Juſtices, in the Manner, at the Time, and for the Purpoſes therein mentioned; and that thereupon ſuch Priſoners ſhould be diſcharged, on the Terms in the ſaid Act preſcribed: And whereas, ſome Perſons who were Priſoners on the ſaid Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, within the Deſcription, true Intent, and Meaning of the ſaid Act, and as ſuch were intitled to the Benefit thereby intended them, have been deprived of ſuch Benefit, either by or through the Neglect or Omiſſion of the Sheriff or Sheriffs, Gaoler, or Keeper of ſuch Priſon or Priſons, wherein ſuch Perſon or Perſons was and were reſpectively confined, or by means of ſome Accident or Surprize, by not making or not delivering a Liſt or Liſts of the Name or Names of all and every ſuch Perſon or Perſons (being then a Priſoner or Priſoners) to the Juſtices within the Time, and in ſuch Manner, in that Behalf, as in and by the ſaid recited Act is required, whereby the Priſoners intitled to Relief under the ſaid Act were and are wholly deprived of the Benefit thereof; and ſuch Sheriffs, Gaolers, and Keepers of Priſons, may alſo, on Account of ſuch Neglect, Omiſſion, Accident, or Surprize, be in Danger of incurring divers Penalties, and liable to Proſecutions and Actions; for Relief and Remedy whereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any Priſon or Priſons, who were required by the ſaid Act to make and deliver the ſaid Liſts in any County, Riding, Diviſion, City, Town, and Liberty, within this Kingdom reſpectively, where ſuch Neglect, Omiſſion, Accident, or Surprize, as aforeſaid, hath or have happened, ſhall and he and they is and are hereby reſpectively impowered and required to take and make a true, exact, and perfect Liſt alphabetically, of the Name and Names of all and every Perſon and Perſons, who upon the ſaid Firſt Day January, One thouſand ſeven hundred and thirty ſix, was or were actually Priſoner or Priſoners in the Cuſtody of any ſuch Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any Priſon reſpectively, for ſuch Cauſe or Cauſes as in the ſaid recited Act is and are mentioned; and of the Time when ſuch Priſoner or Priſoners was or were charged in Cuſtody, together with the Name or Names of the Perſon or Perſons at whoſe Suit, or upon whoſe and what Account ſuch Priſoner or Priſoners was or were detained, and ſhall deliver the ſame to the Juſtices at their firſt General or Quarter Seſſions of the Peace, to be held after the Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty eight, for ſuch County, Riding, Diviſion, City, Town, or Liberty reſpectively; and ſhall in open Court take an Oath to the Effect in the ſaid Act mentioned, which Oath ſhall be adminiſtred or written at the End or Bottom of every ſuch Liſt, to be delivered in purſuance of the ſaid former, and this preſent Act, and ſubſcribed in open Court; and ſuch Liſts ſhall be kept by the reſpective Clerks of the Peace, in ſuch Manner, and for the like Purpoſes, as in the ſaid Act is and are mentioned; and the ſaid Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any ſuch Priſon, ſhall and they are hereby reſpectively required to fix up ſuch Liſts in ſuch Manner as in the ſaid Act is mentioned, Ten Days before the ſaid Seſſions; and ſhall do and perform all and every other Matters and Things, Matter and Thing, according to and in conformity with the Rules and Directions required in and by the ſaid Act; and in Default thereof ſhall be liable to all the Penalties impoſed by the ſaid Act, to be levied and recovered reſpectively in ſuch Manner as is therein mentioned; and the preſent Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of the Priſons before mentioned, is and are hereby required to be aiding and aſſiſting in all Things neceſſary to the Sheriff and Sheriffs, Gaoler and Gaolers, Keeper and Keepers, which they ſhall reſpectively ſucceed, and who have omitted to make or deliver ſuch Liſts, as aforeſaid.

Sheriffs, &c. to make a Liſt of Priſoners,

and deliver it to the Seſſions, &c.

II. And be it further enacted, That all and every Perſon and Perſons who was or were for any of the Cauſes mentioned in the ſaid recited Act confined on the Firſt Day of January, One thouſand ſeven hundred and thirty ſix, and are intitled to his, her, or their Diſcharge, and ought by Virtue, and according to the true Intent and Meaning of the ſaid Act, to be relieved in purſuance thereof, and who by reaſon of any ſuch Neglect or Omiſſion as aforeſaid have been reſpectively deprived of ſuch intended Benefit; ſuch Perſon and Perſons making, as they are hereby required, ſuch Oath as is mentioned and ſet forth in the ſaid Act, and in every other reſpect conforming to and with the Rules and Directions thereof (not altered or varied by this preſent Act) and ſubject to the ſame Penalties, Reſtrictions, Directions, Conditions, Proviſions, and Terms mentioned and directed by the ſaid Act, as well with regard to his and their Eſtate and Effects, which is and are hereby veſted in the ſeveral Clerks of the Peace for the Counties, Ridings, Diviſions, Cities, Towns, and Liberties reſpectively, as in all other Reſpects, in like Manner, and for the like Purpoſes, as in and by the ſaid Act is and are mentioned; and the Priſoners aforeſaid, being in actual Cuſtody upon the Firſt Day of January, One thouſand ſeven hundred and thirty ſix, and who were intitled to their Diſcharge within the Intent and Meaning of the ſaid former Act, ſhall and may reſpectively be releaſed and diſcharged from their Impriſonment; any thing in the ſaid former Act contained to the contrary thereof notwithſtanding.

Priſoners intitled to a Diſcharge by the late Debtors Act, to be releaſed,

III. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Juſtice or Juſtices of any County, Riding, Diviſion, City, Town, or Liberty reſpectively within this Kingdom, where ſuch Omiſſion or Neglect, Accident or Surprize, ſhall have happened; and the ſaid Juſtice or Juſtices are hereby impowered and authorized, to proceed towards the Diſcharge of the ſaid Priſoner or Priſoners, after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty eight, in purſuance of and agreeable to the Rules and Directions of the ſaid recited Act (not altered or varied by this preſent Act) And all ſuch Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any Priſon or Priſons reſpectively, in whoſe Cuſtody or Cuſtodies ſuch Priſoner or Priſoners is and are, and who is and are intended to be diſcharged by this Act, are by the Authority aforeſaid hereby commanded and required to obſerve and obey the legal Commands of the ſaid Juſtice and Juſtices, and particularly to do and perform all and every other Things

by the Juſtices, after 24 *June*, 1738.

Things and Thing agreeable to, in Conſequence of, and in Conformity with the Rules and Directions of the ſaid recited Act, on his and their Part and Parts, and Behalfs, to be done and performed, and not by this Act varied or altered.

Sheriffs, &c. Treſpaſſers againſt the former Act, indemnified, if they conform to this Act.

IV. And be it further enacted, That all and every Perſon or Perſons, Sheriff or Sheriffs, Gaoler or Gaolers, Keeper or Keepers of any Priſon or Priſons, who hath or have omitted or neglected to make or deliver the ſaid Liſts, as required by the ſaid recited Act, and ſhall in Conformity to this Act do and perform what is hereby directed and preſcribed; ſhall be and be and they are hereby indemnified, freed, and diſcharged, notwithſtanding ſuch Omiſſion or Neglect as aforeſaid, of, againſt, and from all Forfeitures and Penalties, Actions and Damages, incurred or accrued for or by Reaſon of any ſuch Neglect, Omiſſion, Accident, or Surprize; and ſuch Perſon and Perſons is, are, and ſhall be recapacitated and reſtored in and to the ſame Condition as he or they was or were before ſuch Neglect, Omiſſion, Accident, or Surprize.

Proviſo.

V. Provided always, That nothing in this Act contained ſhall in any Reſpect extend, or be conſtrued to extend, to relieve any Priſoner or Priſoners whatſoever excepted out or excluded the Benefit of the ſaid former Act, or to give any further or other Relief to ſuch Priſoners as are mentioned or deſcribed in the ſaid recited Act, than ſuch Relief as is herein before mentioned by Reaſon of the Neglect, Omiſſion, Accident, or Surprize only as aforeſaid; nor ſhall any thing in this Act extend to indemnify or diſcharge any Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of any Priſon, deſcribed within the Meaning of the ſaid recited Act, againſt whom any Penalty has already been recovered or levied in purſuance and by virtue of the ſaid recited Act, or by the Judgement of any Court of Law in Reſpect of ſuch Neglect, Omiſſion, Accident, or Surprize, as aforeſaid.

Clauſe in Favour of Creditors.

VI. And be it further enacted by the Authority aforeſaid, That every Debtor who hath been committed to Priſon ſince the Firſt Day of January, One thouſand ſeven hundred and thirty, and was detained in Priſon upon the Firſt Day of January, One thouſand ſeven hundred and thirty ſix, and who hath continued ſo to be detained, be compelled to deliver up his or her Eſtate and Effects to his or her Creditors, in the Form and Manner as by the ſaid recited Act is required and provided, at the Requeſt of any Creditor or Creditors at whoſe Suit ſuch Debtor hath been charged in Cuſtody ſince the ſaid Firſt Day of January, One thouſand ſeven hundred and thirty ſix.

CAP. X.

An Act for enlarging the Term and Powers granted and given by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George*, *For repairing the Roads from* Lemsford Mill, *in the County of* Hertford, *to* Welwyn, *and from thence to* Cory's Mill, *and from* Welwyn, *through* Codicot, *to* Hitchen, *in the ſaid County*; and alſo for repairing the Roads from *Cory*'s *Mill* to *Hitchen* aforeſaid.

Preamble, reciting the Act 12 *Geo.* I. *c.* 10.

WHEREAS by an Act paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Roads from* Lemsford-Mill, *in the County of* Hertford, *to* Welwyn, *and from thence to* Cory's Mill, *and from* Welwyn, *through* Codicot, *to* Hitchen, *in the ſaid County*; *and for enlarging the Term granted by an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty*, For repairing the Roads from *Stevenage*, in the ſaid County, to *Biggleſwade* in the County of *Bedford*; ſeveral Tolls and Duties were granted and made payable for repairing and widening the firſt mentioned Roads, applicable in ſuch Manner and Proportions, and ſubject to ſuch Reſtrictions and Directions, as in the ſaid Act are mentioned; which ſaid Toll or Duty by the ſaid Act granted, was to take Place and have Continuance only from and after the Firſt Day of *May*, One thouſand ſeven hundred and twenty ſix, for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution, have borrowed the Sum of One thouſand and ſix hundred Pounds on the Credit thereof, which is ſtill unpaid, and have applied the ſame, together with the Tolls collected by virtue of the ſaid Act, according to the Directions thereof; and great Progreſs hath been made in repairing of the ſaid Roads: And whereas the ſaid Truſtees have no Power by the ſaid Act to ſet or erect any Toll-gates or Toll-gate on the North Side of the Town of *Welwyn*, for want of which many Perſons frequently drive ſeveral Droves of Cattle through By-ways, before they come to the ſaid Town of *Welwyn* (notwithſtanding they have before travelled through great Part of the ſaid Turnpike Road) whereby the Payment of the Tolls, payable at the Toll-gates now erected on the South Side of the Town of *Welwyn*, is avoided, to the great Diminution of the Income of the Tolls collected there: And whereas the Road leading from *Cory*'s *Mill* to the South End of the Town of *Hitchen* aforeſaid (adjoining to One of the Roads directed to be repaired by the ſaid Act, and is Part of the Road between *Hitchen*, and *Hertford*, and *Ware*, Three of the moſt conſiderable Market and Trading Towns in the ſaid County) is, by Reaſon of the many heavy Carriages frequently paſſing through the ſame, become ſo bad and ruinous, and ſome Parts thereof are ſo narrow that Two Carriages cannot paſs by each other; which laſt mentioned Road cannot by the ordinary Courſe of the Laws now in Being (for repairing the Highways of this Kingdom) be effectually repaired and widened, and kept amended, unleſs ſome other Proviſion be made for that Purpoſe, *&c.*

The Tolls are farther continued for 21 *Years, and to the End of the next Seſſion of Parliament.*

Preamble, reciting the Acts 3 *Geo.* I. *c.* 18.

CAP. XI.

An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees.

WHEREAS by a Clauſe in an Act of Parliament paſſed in the Third Year of his late Majeſty's Reign, intituled, *An Act for explaining an Act paſſed in the laſt Seſſion of Parliament, intituled*, An Act to oblige Papiſts to regiſter their Names and Real Eſtates, *and for enlarging the Time for ſuch Regiſtering, and for ſecuring Purchaſes made by Proteſtants*, it was enacted, That from and after the Nine and twentieth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and ſeventeen, no Manors, Lands, Tenements, Hereditaments, or any Intereſt therein, or Rent or Profit thereout, ſhould paſs, alter, or change from any Papiſt or Perſon profeſſing the Popiſh Religion, by any Deed or Will, except ſuch Deed within Six Months after the Date, and ſuch Will within Six Months after the Death of the Teſtator, ſhould be inrolled

in one of the King's Courts of Record at *Weſtminſter*, or elſe within the ſame County or Counties, wherein the Manors, Lands, and Tenements lie, in ſuch Manner as therein for that Purpoſe is particularly directed: And whereas by a Clauſe in another Act of Parliament paſſed in the Tenth Year of his ſaid late Majeſty's Reign, intituled, *An Act for explaining and amending an Act of the laſt Seſſion of Parliament, intituled,* An Act to oblige all Perſons being Papiſts in that Part of *Great Britain* called *Scotland*; and all Perſons in *Great Britain* refuſing or neglecting to take the Oaths appointed for the Security of his Majeſty's Perſon and Government, by ſeveral Acts therein mentioned, to regiſter their Names and Real Eſtates; *and for enlarging the Time for taking the ſaid Oaths, and making ſuch Regiſters; and for allowing further Time for the Inrolment of Deeds or Wills made by Papiſts, which have been omitted to be inrolled, purſuant to an Act of the Third Year of his ſaid late Majeſty's Reign; and alſo for giving Relief to Proteſtant Leſſees*, it was enacted, for the Relief of ſuch Perſons who had neglected or omitted to inroll their Deeds or Wills, that every Deed and Will, which had been then made ſince the Nine and twentieth Day of *September*, One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not then inrolled, ſhould be as good and effectual in the Law as the ſame would have been in caſe the ſaid Deeds and Wills had been inrolled within the Time limited by the ſaid Clauſe in the ſaid former Act for Inrolment thereof; provided the ſaid Deeds and Wills ſhould be inrolled on or before the Nine and twentieth Day of *September*, One thouſand ſeven hundred and twenty four, in ſuch Manner as by the ſaid former Act was directed: And whereas by a Clauſe in an Act paſſed in the Third Year of His preſent Majeſty, *For allowing further Time for Inrolment of Deeds or Wills made by Papiſts, and for Relief of Proteſtant Purchaſers and Leſſees; and for making further Proviſion concerning Certificates relating to the Settlements of poor Perſons, and the Charges of maintaining and removing certificated Perſons*, it was enacted, for the Relief of ſuch Proteſtant Purchaſers and Leſſees, and ſuch other Perſons as had neglected or omitted to inroll their Deeds or Wills in due Time, that every Deed and Will then made ſince the Nine and twentieth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not then inrolled, ſhould be as good and effectual in the Law as the ſame would have been, in caſe the ſaid Deeds and Wills had been inrolled within the Times limited in the ſaid Clauſes, in the ſaid former Acts for the Inrolment thereof; provided the ſame Deeds and Wills ſhould be inrolled, on or before the Twenty ninth Day of *September*, One thouſand ſeven hundred and thirty one, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act was directed: And whereas by a Clauſe in another Act of Parliament paſſed in the Sixth Year of His preſent Majeſty's Reign, intituled, *An Act for allowing further Time for the Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers and Leſſees*, it was enacted, That every Deed and Will then made ſince the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhould be as good and effectual in the Law, as the ſame would have been in caſe the ſaid Deeds and Wills had been inrolled within the Times limited in the ſaid Clauſes in the ſaid Acts for the Inrolment thereof; provided the ſame Deeds and Wills ſhould be inrolled on or before the Twenty ninth Day of *September*, One thouſand ſeven hundred and thirty three, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed: And whereas by a Clauſe in another Act paſſed in the ninth Year of His preſent Majeſty, intituled, *An Act for indemnifying Perſons who have omitted to qualify themſelves for Offices within the Time limited by Law, and for allowing further Time for that Purpoſe; and for amending ſo much of an Act paſſed in the Second Year of the Reign of His preſent Majeſty as requires Perſons to qualify themſelves for Offices before the End of the next Term or Quarter Seſſions; and for enlarging the Time limited by Law for making and ſubſcribing the Declaration againſt Tranſubſtantiation; and for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees*, it is enacted, That every Deed and Will made ſince the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or any Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhall be as good and effectual in the Law, as the ſame would have been in caſe the ſaid Deeds and Wills had been inrolled within the Times limited by the ſaid Clauſes in the ſaid Acts for the Inrolment thereof; but it was provided by the ſaid laſt mentioned Clauſe, That the ſame Deeds and Wills ſhould be inrolled on or before the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, in ſuch Manner as by the ſaid Clauſe in the firſt mentioned Act is directed: And whereas ſeveral of His Majeſty's Proteſtant Subjects ſince the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſeventeen, have purchaſed Lands and taken Leaſes upon Fines paid, where ſome ſmall Rents have been reſerved, from Papiſts, or Perſons profeſſing the Popiſh Religion, and have neglected and omitted to inroll their Purchaſe-deeds and Leaſes within the Times limited by the ſaid Clauſes in the ſaid Acts directed for the Inrolment thereof, and are in Danger of being defeated of their ſaid Purchaſes and Leaſes: And whereas ſeveral Infants, and others, claiming under the laſt Wills and Teſtaments of Papiſts, or Perſons profeſſing the Popiſh Religion, may be defeated of their Manors, Lands, Tenements, and Hereditaments ſo deviſed to them, through the Neglect or Omiſſion of the Executors or Truſtees of ſuch Wills to inroll the ſame in due time according to the Direction of the ſaid Clauſes in the ſaid Acts, *&c.*

10 *Geo.* I. *c.* 4.

3 *Geo.* II. *c.* 29.

6 *Geo.* II. *c.* 5.

9 *Geo.* II. *c.* 26.

CAP. XII.

An Act for continuing of an Act made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Laſtage and Ballaſtage in the River* Thames.

Preamble, reciting the Act 6 *Geo.* II. *c.* 29.

WHEREAS an Act made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for the better Regulation of Laſtage and Ballaſtage in the River* Thames, which was to be in Force from the Firſt Day of *June*, One thouſand ſeven hundred and thirty three, for and during the Space of Five Years, and from thence to the End of the then next Seſſion of Parliament is near expiring: And whereas the ſaid Act hath been found to be a very uſeful Law, and to tend greatly to the Preſervation of the ſaid River *Thames*, and thereby to promote and encourage the Trade of this Kingdom; **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Act, and all and every the Powers, Authorities, Clauſes, and Proviſions therein contained, ſhall be and continue, and the ſame is and are hereby continued**

Continuation for 7 Years.

nued in Force, from and after the Expiration of the Term in the ſaid Act limited as aforeſaid, for and during the further Term of Seven Years thence next enſuing, and to the End of the then next Seſſion of Parliament, and no longer.

CAP. XIII.

An Act to enlarge the Term and Powers granted by an Act of Parliament made and paſſed in the Third Year of the Reign of His late Majeſty King *George*, intituled, *An Act to enable the Pariſhioners of the Pariſh of Saint* Mary Rotherhith, *in the County of* Surrey, *by certain Funeral Rates therein mentioned, to finiſh the ſaid Pariſh Church*, and to enable the ſaid Pariſhioners to raiſe ſuch further Sums of Money as ſhall be neceſſary for purchaſing a convenient Piece of Ground for an additional Burial Ground, and for other the Purpoſes therein mentioned.

Preamble, reciting the Act 3 *Geor.* I. not printed.

WHEREAS by an Act made and paſſed in the Third Year of the Reign of His late Majeſty King *George*, intituled, *An Act to enable the Pariſhioners of the Pariſh of Saint* Mary Rotherhith, *in the County of* Surrey, *by certain Funeral Rates therein mentioned, to finiſh the ſaid Pariſh Church*, the ſeveral Rates and Duties therein ſpecified were granted for diſcharging ſuch Debts of the ſaid Pariſh as had been contracted in and about the rebuilding and enlarging the ſaid Church, and to ſatisfy ſuch other Sums of Money as ſhould be neceſſary for finiſhing and adorning the ſaid Church, not exceeding the Sum of Fifteen hundred Pounds in the whole, to be advanced and lent upon the Credit of the ſaid Act, and for which one or more Annuity or Annuities might be granted for One or more Life or Lives, not exceeding the Rate of Ten Pounds *per Annum* for every One Hundred Pounds, and ſo in Proportion for any greater or leſſer Sum; ſuch Annuity or Annuities not to exceed the Sum of One hundred and fifty Pounds *per Annum*, and to be paid in Manner and Form as by the ſaid Act is appointed: And whereas only the Sum of Twelve hundred Pounds was found ſufficient to anſwer the Purpoſes for which the ſaid Rates and Duties were granted by the ſaid Act, therefore no more than that Sum was raiſed for thoſe Purpoſes, and the ſame was ſo raiſed by granting Annuities for Lives, to the Amount only of One hundred and Eight Pounds *per Annum*, chargeable upon and payable out of the ſaid Rates and Duties granted by the ſaid Act, according to the Powers thereby given in that Behalf, and the ſaid Sum of Twelve hundred Pounds has been duly applied for ſuch the Purpoſes accordingly: And whereas by the Deaths of ſome of the Annuitants, the ſaid Annuities are now reduced to the Sum of Eighty one Pounds *per Annum*, by which Means the ſaid Rates and Duties have produced and will ſtill annually produce and yield more than ſufficient to ſatisfy the ſaid Annuities yet ſubſiſting; but as there was no Proviſion made by the ſaid former Act for the Application or Diſpoſition of the Surplus Monies which ſhould ariſe from the ſaid Rates and Duties, as the ſaid Annuities ſhould from time to time determine and fall in, the Truſtees impowered to put the ſaid Act in Execution have at the Deſire of the ſaid Pariſhioners applied about the Sum of Five hundred Pounds of ſuch Surplus Monies in the Repairs of the ſaid Church, and other neceſſary Charges and Expences in and about the ſame, in Eaſe and Diminution of the annual Rates, which otherwiſe muſt have been raiſed upon the ſaid Pariſhioners for thoſe Purpoſes: And whereas the ſaid Pariſhioners have been daily increaſing ſince the ſaid Act was obtained, and now are ſo greatly increaſed, that they will be obliged to purchaſe a Piece of Ground for an additional Burial Ground for the ſaid Pariſh, their preſent Church Yard not being ſufficient for the Interment of their Dead, nor is their ſaid Church yet large enough to contain the great Number of the Inhabitants reſorting thereto for the Performance of Divine Worſhip, and the Steeple of the ſaid Church is ſo very old and ruinous, that it will in a few Years require to be taken down and rebuilt, and by that Means the ſaid Pariſh Church may be more commodiouſly enlarged at a moderate Expence; and therefore it hath been agreed in full and open Veſtry by the Rector, Church-wardens, and other Inhabitants of the ſaid Pariſh, to purchaſe a fit and convenient Piece of Ground for an additional Burial Ground for the ſaid Pariſh, and to take down and rebuild the ſaid Steeple, and to enlarge the ſaid Pariſh Church, in convenient Time: But the ſaid Inhabitants, not being able to raiſe the Sums neceſſary for ſuch the ſeveral Purpoſes aforeſaid without Aid of Parliament, are deſirous that the Term and Powers granted by the above recited Act may be enlarged, and the ſaid Rates and Duties thereby granted be continued, and that the like Rates and Duties which are now payable by the ſaid former Act may be payable for every Perſon who ſhall be interred in the ſaid new Burial Ground, and that the Truſtees impowered to put the ſaid former Act in Execution may be indemnified for ſuch their Application of the ſaid Surplus Monies as aforeſaid, and that ſo much of the ſaid Surplus Monies as is yet undiſpoſed of, and as hath not yet been collected and paid, and as ſhall ariſe from the ſaid Rates and Duties granted by the ſaid former Act, and ſhall be more than ſufficient to ſatisfy the ſaid Annuities yet ſubſiſting, or ſuch of them as ſhall be ſubſiſting, until one or more new Annuity or Annuities ſhall be granted by Authority of Parliament, may be applied in the purchaſing ſuch new Burial Ground as aforeſaid; and for incloſing and making the ſame fit and commodious for the Burial of their Dead therein, as far as the ſame will extend; and that the ſaid Pariſhioners may be enabled to raiſe ſuch further Sums of Money by the like Ways and Means as by the ſaid former Act is directed, and by ſuch other Ways and Means as are herein after directed, as ſhall be ſufficient to compleat the ſaid Purchaſe, and for all other the Purpoſes aforeſaid; **may it therefore pleaſe Your moſt Excellent Majeſty, at the humble Requeſt of the Rector, Church-wardens, and other the Inhabitants of the ſaid Pariſh, by and with the Conſent of the Right Reverend Father in God,** Benjamin **Lord Biſhop of** Winchester, **Ordinary of the ſaid Dioceſe, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and every the Powers and Authorities thereby given, and all and every the Articles, Clauſes, and Proviſoes therein contained (except what are hereby altered, explained, or amended) and the ſeveral Rates and Duties to be paid and payable by virtue of the ſaid Act, for the Burial of every Perſon of the reſpective Age or Ages therein mentioned, ſhall continue and be of full Force and Effect for ſuch further Time, and for ſuch the Ends and Purpoſes as are herein after mentioned; and that the like Rates and Duties which are now payable by the ſaid former Act, ſhall be paid and payable during the Continuance of this Act, for every Perſon of the reſpective Age or Ages in the ſaid former Act mentioned, who ſhall be interred in the ſaid new Burial Ground, when the ſame ſhall be purchaſed, incloſed, and made fit and convenient for the Burial of the Dead therein; and which ſaid Piece of Ground the ſaid Truſtees impowered to put the ſaid former Act in Execution, and the Truſtees herein after named, or the major**

The former Act continued.

Part of them, are hereby impowered to purchaſe, incloſe, and make fit accordingly, for ſuch the Purpoſe aforeſaid.

Alteration of the Burial Duties.

II. Saving always, and it is hereby enacted, That inſtead of the additional Duties made payable by the ſaid former Act, for the Burial of ſuch Perſon and Perſons as ſhall be of or die in any ſuch Houſe or Family, which at or before the Time of ſuch Burial ſhould be rated and pay the Sum of One Shilling or more Rate to the Poor in each Book for the ſaid Pariſh; the ſaid additional Duties ſhall be payable for the Burial of ſuch Perſon and Perſons as ſhall be of or die in any ſuch Houſe or Family, which at or before the Time of ſuch Burial either in the old or new Burial Ground ſhall be rated and pay the monthly Rate of One Shilling or more to the Poor in each Book for the ſaid Pariſh.

III. And whereas it is provided by the ſaid Act, That the poorer Sort of the Inhabitants of the ſaid Pariſh, of the reſpective Age or Ages therein mentioned, being of or dying in any Houſe or Family in the ſaid Pariſh, which at the Time of ſuch Death ſhall not be charged or chargeable with any Rate to the Poor of the ſaid Pariſh, or only charged or chargeable with any Rate not exceeding Eleven Pence to the Poor in each Book for the ſaid Pariſh, ſhall not be charged or chargeable with more than the ancient and accuſtomary Rates therein mentioned; it is hereby declared, that ſuch Exemption was thereby meant to extend, and it is hereby enacted, That the ſame ſhall extend, to ſuch poorer Sort of the Inhabitants of the ſaid Pariſh, of the ſeveral and reſpective Ages in the ſaid Act mentioned, being of or dying in any Houſe or Family in the ſaid Pariſh, which at the Time of ſuch Death ſhall not be charged or chargeable with any Rate to the Poor of the ſaid Pariſh, or only charged or chargeable with any monthly Rate not exceeding Eleven Pence, to the Poor in each Book for the ſaid Pariſh.

Explanation of a Clauſe of Exemption in the former Act.

IV. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Truſtees impowered to put the ſaid former Act in Execution, and the Truſtees herein after named, or the major Part of them, are hereby impowered to raiſe, levy, and receive in ſuch Manner and Form, and by ſuch the Ways and Means, as the ſaid Truſtees in the ſaid former Act are impowered to do, any further Sum of Money, not exceeding in the whole the Sum of Two thouſand Pounds; and to apply the ſame, and ſo much of the ſaid Rates and Duties granted by the ſaid former Act as have already exceeded the annual Amount of the ſaid Annuities yet ſubſiſting, and have not yet been applied, and as hath not yet been collected and paid, and as ſhall ariſe from the ſaid Rates and Duties granted by the ſaid former Act, and ſhall be more than ſufficient to ſatisfy the ſaid Annuities yet ſubſiſting, or ſuch of them as ſhall be ſubſiſting, until One or more new Annuity or Annuities ſhall be granted, as herein after is directed; that is to ſay, In the firſt place for ſatisfying the Charges and Expences of obtaining this Act; and in the next place for the purchaſing a Piece of Ground for an additional Burial Ground for the ſaid Pariſh, and incloſing and making the ſame fit and commodious for the Burial of the Dead therein; and afterwards for taking down and rebuilding the Steeple of the ſaid Pariſh Church, and enlarging the ſaid Church in ſuch Manner and Form, and with ſuch Finiſhings, and at ſuch Diſtance of Time, from and after the ſaid new Burial Ground ſhall be ſo purchaſed, and made fit and commodious for the Burial of the Dead therein, as to the ſaid Truſtees, or the major Part of them, ſhall in their Diſcretions ſeem meet: And ſuch of the ſaid Truſtees impowered to put the ſaid former Act in Execution, who have applied any of the ſaid Surplus Monies in and about the Repairs of the ſaid Church as herein before is mentioned, are hereby indemnified for their ſo doing, and diſcharged thereof; and the ſaid Truſtees impowered to put the ſaid former Act in Execution, and the Truſtees herein after named, or the major Part of them, are alſo hereby impowered to order and appoint the ſaid Rates and Duties to be paid and payable by the ſaid former Act, and by this preſent Act, to be collected by and paid to ſuch Perſon or Perſons, as the ſaid Rates and Duties granted by the ſaid former Act are in that Behalf directed to be collected and paid; and that ſuch Perſon or Perſons ſo authorized to collect and receive the ſaid Rates and Duties granted by the ſaid former Act, and by this preſent Act, ſhall have ſuch Poundage for collecting and receiving the ſame, and ſhall account for and be compellable to make ſuch Account for all the ſaid Rates and Duties, and be ſubject and liable to ſuch Puniſhment for Neglect or Refuſal ſo to do, in ſuch Manner and Form, and by ſuch Ways and Means, as by the ſaid former Act is in that Behalf alſo directed: And the ſaid Truſtees, or the major Part of them, are hereby alſo impowered to grant One or more Annuity or Annuities for Life or Lives, to any Perſon or Perſons who ſhall advance and lend upon the Credit of this Act the ſaid Sum of Two thouſand Pounds, or any Part thereof, not exceeding the Rate of Eight Pounds Ten Shillings per Annum for every One hundred Pounds, and ſo in Proportion for every greater or leſſer Sum; all which ſaid Annuities ſhall not exceed in the whole the Sum of One hundred and ſeventy Pounds per Annum; and ſhall be payable and paid by the ſaid Truſtees, or any Five or more of them, at ſuch Place and Times reſpectively, as the ſaid Annuities appointed to be granted by the ſaid former Act are thereby directed to be paid; and the ſaid Rates and Duties granted by the ſaid former Act, and by this preſent Act, ſhall be and are hereby charged and made chargeable with and for the Payment of the ſaid Annuities to be granted by Force and Virtue of this Act; and the Names and Surnames, with the proper Additions and Places of Abode of all ſuch Perſons who ſhall be Purchaſers of any of the Annuities to be granted by Force and Virtue of this Act, and of all Perſons by whoſe Hands the ſaid Purchaſers ſhall pay in any Sum or Sums of Money upon the Credit of this Act, and alſo the Sum and Sums ſo paid for ſuch Annuities, and the reſpective Days of Payment thereof, ſhall be fairly written and entered in ſuch Manner and Form, and in ſuch Book or Books, as by the ſaid former Act is in that Behalf directed touching and concerning the Annuities thereby granted; and to which Book or Books it ſhall be lawful for the ſaid reſpective Purchaſers, and their Aſſigns, from time to time and at all ſeaſonable times to have reſort to, and inſpect the ſame without Fee or Reward; and the ſaid Annuities ſhall and may be aſſigned or aſſignable in like Manner as the Annuities already granted by virtue of the ſaid former Act are and may be aſſigned; and no ſuch Aſſignment ſhall be revocable, ſo as ſuch Entry or Memorandum thereof be made in ſuch Manner and Form as by the ſaid former Act Aſſignments of the Annuities to be

The Manner in which the Truſtees are to apply the Monies.

Truſtees indemnified for their Application of the Surplus.

Collectors to be appointed as before.

Annuities on the Duties, aſſignable.

granted by virtue thereof are directed to be entered; and such Entry shall be made gratis: And in case the said Rates and Duties shall fall short, and be deficient to satisfy and pay the Annuities by this Act charged thereon, such Deficiency shall from time to time be made good by the Parishioners and Inhabitants, by making and collecting such Rates upon themselves from time to time, as shall be sufficient to answer and pay all such Deficiencies, in like Manner, and by the same Ways and Means, as by the said former Act may be done in the like Behalf; and the said Rates and Duties shall have Continuance for and during such Time only, as any of the Annuities granted by virtue of the said former Act, and which shall be granted pursuant to this Act, shall have Continuance; and as the said Annuities now subsisting, and the Annuities which shall be granted by virtue of this Act, shall respectively determine, the said Rates and Duties shall decrease and be lessened in Proportion to the Decrease of the said Annuities; and that from and after the Determination of all the said Annuities, the said Rates and Duties shall wholly cease and determine; and from thenceforth only such Rates and Duties as were payable for Burials within the said Parish before the obtaining the said former Act, shall be paid and payable for all Burials as well in the said new as old Burial Ground; and that in such Manner and Form, and to such Uses, as before the passing of the said former Act the same were payable and ought to be paid; any thing herein, or in the said former Act, contained to the contrary notwithstanding.

Deficiencies how to be made good.

Duties to decrease as the Annuities,

and to cease at their Determination.

V. Provided always, That this Act, or any thing therein contained, shall not extend, or be construed, adjudged, deemed, or taken to extend, to lessen, prejudice, or defeat any the Rights which the present Rector of the said Parish, or any future Rector or Rectors thereof, shall or may have or ought to have in the said new Burial Ground; but that the said present Rector and his Successors shall for ever hereafter have and enjoy from time to time all the same Rights, Privileges, and Profits, in, unto, out of, and from the said new Burial Ground, as the present Rector now hath or ought to have, or which any future Rector or Rectors of the said Parish shall or may have, or ought to have, of, in, unto, or out of, or from any of the present Burial Ground or Burial Places now belonging to the said Parish, in as full, large, ample, and extensive Manner, to all Intents and Purposes whatsoever.

This Act not to prejudice the Rector's Rights.

VI. And be it enacted by the Authority aforesaid, That no Money, Fee, or other Reward shall be demanded, paid, or received for the Death or Burial of any Person dying in the said Parish, unless the Person so dying shall be actually buried in the said Parish Church or Church Yard, or other publick Burying ground belonging to the said Parish; any thing in this Act, or in the said former Act, or any Law, Usage, or Custom, to the contrary thereof in any wise notwithstanding.

No Fee for a Person dying in the Parish unless buried in one of its Burial Grounds.

VII. And it is hereby enacted by the Authority aforesaid, That the Reverend Thomas Curling, the present Rector of the said Parish, and the Rector of the said Parish for the time being, Mr. Bartholomew Wood, Captain Thomas Bayly, Captain John Mackmath, Captain William Warren, Mr. Alexander Roberts, Mr. John Buxton, Mr. Timothy Hawkins, Mr. Joseph Gollop, Mr. Gilbert Heath, Mr. John Weales, Mr. John Quallet, and Mr. Ralph Cresswell, shall be and they are hereby appointed and added Trustees, jointly with the Trustees of the said recited Act, for putting the same and this present Act in Execution, and all the Powers and Authorities therein and herein enacted and granted, to all Intents and Purposes as if they had been named in the said recited Act; and that as the Number of the said Trustees shall by Death or Removal out of the said Parish for the Space of Six Kalendar Months, or refusing to act in the said Trust, or otherwise, be reduced to Nine, it shall and may be lawful for the surviving Trustees, by any Writing or Writings under their Hands and Seals to nominate, elect, and appoint so many other fit and able Person or Persons, inhabiting within the said Parish, in the Room of any of the said Trustees so dying, removed, or refusing to act; and so from time to time for any surviving Trustees under the said former or this present Act, to nominate, elect, and appoint others to be Trustees with them as aforesaid, when the Number of the Trustees for putting the said former or this present Act in Execution shall in the Manner and by the Means aforesaid be reduced to Nine; and all and every Person and Persons so nominated, elected, and appointed, is and are hereby impowered to act and do in as full and ample Manner, as any of the Trustees appointed for putting the said former Act or this present Act in Execution are impowered to act and do.

Additional Trustees.

Their Vacancies to be supplied.

VIII. And be it enacted by the Authority aforesaid, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act; every such Suit or Action shall be brought and tried in the County of Surrey, and not elsewhere; and the Defendant or Defendants therein may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of the said Act; and if it shall appear to be so done, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall or may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs in any other Cases of Law.

Limitation of Actions.

General Issue.

Treble Costs.

IX. And it is hereby declared and enacted, That this Act, is a publick Act of Parliament, and shall be deemed and taken to be such, by all Judges and Justices of the Peace, and other Persons in all Courts and Places whatsoever.

Publick Act.

CAP. XIV.

An Act for granting an Aid to His Majesty by a Land-tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and thirty eight.

At 2 s. in the Pound.

CAP. XV.

An Act to empower the Court of Lord Mayor and Aldermen of the City of *London* to set the Price upon all Coals, commonly called *Sea Coals*, imported into the Port of *London* from *Newcastle* and the Ports adjacent thereunto, for the Space of One Year; and to oblige, for the Term therein mentioned, Fitters and others vending and loading Ships with Sea Coals at *Newcastle* and the Ports adjacent thereunto, to deliver such Coals to any Masters of Ships applying for the same; and for further obliging Buyers and Sellers of Sea Coals at *Billingsgate* or other Place of Sale within the Bills of Mortality, to sign their Contracts for Coals; and for the Admeasurement of all Carriages whatsoever used in loading Ships with Coals in the Port of *Newcastle* and Members thereunto belonging.

Preamble.

WHEREAS it hath been found by Experience, that the Provision made by the Laws now in Being, for preventing the enhancing the Price of Sea Coals brought into the River *Thames*, hath hitherto proved ineffectual, to the great Expence and Discouragement of several Manufacturers, Consumers thereof, and to the great Oppression of the Poor; for Remedy whereof be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Court of Lord Mayor and Aldermen within the City of London, or the Lord Mayor of the said City for the time being, by Order of the said Court, from time to time as there shall be Occasion, to set, ascertain, and appoint the Price of all Sea Coals imported into the Port of London from Newcastle upon Tyne, and the Ports adjacent thereunto, to be sold, or exposed to Sale, within the Limits and Jurisdiction of the said Lord Mayor for the time being, for the Space of One Year, to be computed from the First Day of May, One thousand seven hundred and thirty eight, and no longer.

Lord Mayor and Aldermen to set the Price upon all Sea Coals imported into the Port of *London*, for one Year;

II. And for the better Information of the said Court of Lord Mayor and Aldermen of the said City, in order to set and ascertain the Price of such Sea Coals, as aforesaid, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Lord Mayor, for the time being, or any Two of the Aldermen of the said City, by Warrant or Warrants under his Hand and Seal, or under their Hands and Seals, from time to time as Occasion shall require, to summon and call before the said Court, or before the said Lord Mayor, all such Person or Persons as the said Court or the said Lord Mayor shall think proper and necessary, and to examine upon Oath such Person or Persons (or upon Affirmation, in case such Person or Persons be of the People called Quakers) as a Witness or Witnesses in relation to the Premisses aforesaid; which Oath the said Court, or the said Lord Mayor, are and is by the Authority of this Act impowered to administer to such Witness or Witnesses as shall be so summoned and examined touching the Matters aforesaid.

who have Power to call before them all Persons, and examine them as Witnesses &c.

III. And to the Intent that the good Design of this Act may be complied with, be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever shall within the Time so limited sell any Sea Coals so imported, within the said Port of the City of London, for a higher Price or higher Prices in or from any Ship, Lighter, or other Vessel, or in or from any Wharf, Yard, or Warehouse, than shall be so set, ascertained, and appointed by the Court of Lord Mayor and Aldermen of the said City, or by the Lord Mayor of the said City for the time being by Order of the said Court, such Person shall, for every Chaldron so sold for a higher Price or higher Prices as aforesaid, forfeit and pay the Sum of Thirty six shillings, and so in Proportion for any greater or less Quantity, to be recovered and levied by Distress and Sale of the Offender's Goods by Warrant from any Two or more of His Majesty's Justices of the Peace for the City of London, or for the Counties of Middlesex, Essex, Kent, or Surrey, or any of them, within their respective Jurisdictions, before whom such Conviction shall be made; the said Forfeitures to be given to the Informer or Informers. Provided always, That no Person shall be convicted in Manner aforesaid for any of the before mentioned Offences, unless the Prosecution in order to such Conviction shall be commenced within Twenty Days after the Offence committed.

Persons selling Coals at a higher Price than set by the said Court, to forfeit 36*s.* for every Chaldron so sold, upon Conviction by Warrant of Two Justices.

Proviso.

IV. Provided also, and be it further enacted by the Authority aforesaid, That if any Person so convicted by any Two or more Justices of the Peace shall think him or herself aggrieved, he or she shall and may make his or her Appeal in Writing to the next General Quarter-Sessions, or General Sessions of the Peace to be held for the City, Town, or County, wherein such Conviction shall be made, and such Sessions so appealed to shall hear and finally determine the same; and if the Person so appealing shall not make good such his or her Appeal, or prosecute it with Effect, the said Court of Sessions shall award such Costs as they shall think reasonable to the Prosecutor or Informer, and commit the Offender to the common Gaol, until he or she shall make Payment of the said Costs, and also of the Penalty adjudged on the Conviction to the Informer; but in case the said Appellant shall make good his or her Appeal, and be discharged of his or her said Conviction, the like reasonable Costs shall be awarded for the Appellant against such Penalty, who should (in case of Conviction) have been intitled to the said Penalty, to be recovered as aforesaid; but no Conviction shall be quashed or vacated for want of Form only.

Persons thinking themselves aggrieved by such Order, may appeal to Quarter-Sessions, *&c.*

V. And be it further enacted by the Authority aforesaid, That from the First Day of June, One thousand seven hundred and thirty eight, to the First Day of May, One thousand seven hundred and thirty nine, if any Fitter or Fitters, Agents, or other Persons vending of Sea Coals, and loading Ships with the same, at the Port of Newcastle, or any of the Ports adjacent thereunto, from whence Coals are usually shipped, shall, upon Application of any Master or Masters of Ships or Vessels, or other Persons, for the loading of Coals, on a Tender of Payment to such Fitter or Fitters, Agent, or other Persons, as aforesaid, at the respective Prices the several Sorts of such Coals are then sold at the Staiths, together with the usual Charges of carrying the same from the Staiths to the Ship, in Money, or Security given to their Satisfaction for the same, refuse, or wilfully delay

Fitters, *&c.* of Sea Coals, at *Newcastle*, &c. refusing to deliver to Master of Ship, a Loading of Coals, upon his offering Money, *&c.* for them, to forfeit 500*l.*

delay to deliver or put on board such Ship or Vessel a loading of any Sort of Sea Coals then on the Staiths, of which such Fitter or Fitters, Agent, or other Person so applied to shall have the Disposal, with a proper Certificate of the Quantity of Coals from each Staith, every such Person so refusing, or wilfully, or unnecessarily delaying, shall for every such Refusal or Delay forfeit and pay the Sum of Five hundred Pounds, one Moiety thereof to His Majesty, His Heirs, and Successors, and the other Moiety to the Person who shall sue for the same in any of His Majesty's Courts of Record at Westminster within the Space of Six Months after the Offence committed.

VI. And whereas by an Act made in the Third Year of His present Majesty's Reign, intituled, *An Act for the better Regulation of the Coal Trade*, it was enacted, That from and after the Twenty fourth Day of *June*, One thousand seven hundred and thirty, all Bargains or Contracts for Coals between Buyer and Seller at the Market of *Billingsgate*, or other Place of Sale, within the Bills of Mortality, shall by the Crimp or Factor who has the Disposal of such Coals, be fairly entered with the Conditions thereof, in the Pocket or other Book of such Crimp or Factor, subscribed by the Seller and the Buyer, and witnessed by the said Crimp or Factor; yet, notwithstanding such Act, many of the Buyers and Sellers of Coals have neglected or refused to sign such Contracts in Manner aforesaid; therefore be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and thirty eight, if any Buyer or Seller of Coals at Billingsgate, or other Place of Sale within the Bills of Mortality, being thereunto required, shall refuse or neglect to sign the Contracts in such Manner as by the said recited Act is directed, that then and in such Case every such Buyer and Seller respectively so refusing or neglecting shall, for every such Offence, forfeit the Sum of Fifty Pounds, one Moiety thereof to His Majesty, His Heirs, and Successors, and the other Moiety to such Person or Persons as shall sue for the same in any of His Majesty's Courts of Record at Westminster within the Space of Six Months after such Offence committed. 3 *Geo.* II. *c.* 26. Buyers and Sellers of Coals at *Billingsgate* to sign all Contracts made between them, under Penalty of 50*l.*

VII. And be it further enacted by the Authority aforesaid, That from and after the said First Day of June, every Master of a Ship carrying Coals as aforesaid shall after every respective Voyage made by him produce to his Owner or Owners (when required) a Copy of such Contract or Contracts signed by the Crimp or Factor, in whose Book the said Contract is or shall be entered as aforesaid; and in case of Refusal such Master so refusing shall forfeit and pay the Sum of Fifty Pounds, to be recovered and disposed of as aforesaid. Master of Ship to produce to his Owner a Copy of such Contract signed by the Crimp or Factor, under Penalty of 50*l.*

VIII. And whereas by an Act made and passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Third, intituled, *An Act for the better Admeasurement of Keels and Keel Boats in the Port of* Newcastle, *and the Members thereunto belonging*, it was enacted, That Commissioners should from time to time be appointed by His then Majesty, His Heirs, and Successors, for the admeasuring and marking all and any the Keels, Pan-keels, and Pan-boats, and other Boats, and Wains, and Carts used or any Time thereafter to be used for the Carriage of Coals in the Port of *Newcastle* upon *Tyne*, *Sunderland* upon the River *Wear*, *Cullercoats*, *Seaton Sluice*, *Blythe Nook*, and all other Places within the Counties of *Northumberland* and *Durham*, and all and every the Members, Havens, Rivers, Creeks, and Places whatsoever, to the said Port of *Newcastle*, and Counties aforesaid belonging, which said Admeasurement should be by a dead Weight of Lead or Iron or otherwise, as should seem meet to the said Commissioners, or any Three of them, allowing Fifty three hundred Weight to every Chaldron of Coals; and which said Keels, Boats, Wains, or Carts were thereby directed to be admeasured or marked at the Times and Places, and in Manner therein mentioned: And whereas since the making the said recited Act divers Persons concerned in the Coal Trade have used and employed Waggons, Barrows, and other Carriages, not mentioned, specified, or comprized within the Directions of the said Act, whereby divers Frauds, Deceits, and Abuses have arisen, to the great Prejudice and Damage of the Buyers and Sellers of Coals, and the Diminution of His Majesty's Customs; wherefore for preventing such Frauds and Abuses for the future, be it further enacted by the Authority aforesaid, That from and after the said First Day of June, One thousand seven hundred and thirty eight, it shall and may be lawful to and for the Commissioners appointed or to be appointed by Virtue and in pursuance of the said former Act, or any Three or more of them, to admeasure, weigh, and mark, or cause to be admeasured, weighed, and marked, all Waggons, Barrows, and all other Carriages whatsoever, used, or hereafter to be used and employed in loading Ships with Coals in the Port of Newcastle, and Members thereunto belonging; and that such Admeasurement, Weighing, and Marking shall be made and taken by such Rules and Methods, and at such Places, as in and by the said former Act is directed and appointed concerning the Wains and Carts thereby directed and appointed to be admeasured. 6 & 7 *W.* III. *cap.* 10. Commissioners appointed by Act of 6 & 7 *W.* III. may admeasure, mark, &c. all Waggons, &c. used in loading Ships with Coals.

IX. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a publick Act to all Intents and Purposes, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without the same being specially pleaded or set forth. Publick Act.

CAP. XVI.

An Act for continuing the Duty of Two Penies *Scots*, or One Sixth Part of a Peny *Sterling*, on each Pint of Ale and Beer that shall be vended or sold within the Town of *Invernes*, and Privileges thereof, for paying the Debts of the said Town, and other Purposes therein mentioned.

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for laying a Duty of Two Penies* Scots, *or One Sixth Part of a Peny* Sterling, *on every Pint of Ale or Beer that shall be vended or sold within the Town of* Invernes, *and Privileges thereof, for paying the Debts of the said Town, and for building a Church, and making a Harbour there*; it was enacted, That a Duty of Two Penies *Scots*, or One Sixth Part of a Peny *Sterling* (over and above the Duty of Excise paid or payable to His Majesty, His Heirs, or Successors) should from and after the First Day of *June*, One thousand seven hundred and nineteen, for and during the Term of Nineteen Years, and to the End of the then next Session of Parliament, to be laid upon every *Scots* Pint of Ale and Beer that should be brewed, brought in, or vended, tapped, or sold within the said Town, Preamble, reciting the Act 5 *Geo.* I. *c.* 17.

and Privileges thereof; and that the ſaid Impoſition or Duty ſhould be paid and made payable by the Brewers, Vintners, Sellers, and Tapſters of the ſaid Ale and Beer, for and during the Term aforeſaid, to the Magiſtrates and Town Council of the ſaid Town, and their Succeſſors in Office for the time being, and their Aſſigns or Collectors, for the Uſe of the Community thereof, to be applied towards the Diſcharge of the Debts the Town then owed, towards repairing the Churches, building a new one, and providing for a Miniſter or Miniſters for the ſame, and improving their Harbour for the Encouragement of Trade and Preſervation of Shipping: And whereas at the Commencement of the ſaid Duty the yearly Produce thereof at a Medium of the firſt Five Years, amounted to about Three hundred and eighty five Pounds *Sterling*, which encouraged the Provoſt, Baillies, and Town Council of the ſaid Town (who by the ſaid Act were appointed Truſtees for executing the Purpoſes thereof) to enter upon a Deſign of greatly enlarging and improving their Harbour; in order whereto they purchaſed ſome Grounds, rented ſome Quarries, built Boats for tranſporting Stone, and actually expended about Two thouſand ſeven hundred and ninety Pounds *Sterling* in deepning their Harbour, and erecting proper Quays and Bulwarks for the Improvement and Security thereof, whereby their Harbour is much more commodious than formerly, though far from being completed: And whereas towards carrying on this Work the ſaid Magiſtrates and Town Council were obliged to borrow ſeveral Sums of Money, having employed the Produce of the Duty for ſome Years after the Commencement thereof to the Payment of the Town's Debts, and other Purpoſes of the Grant, by the Approbation of the Overſeers appointed by the ſaid Act: And whereas though the ſaid Magiſtrates and Town Council had Reaſon from the Produce of the Duty for the firſt Five Years thereof to make Eſtimates, and form their Deſign as they did, yet the Event hath not anſwered their Expectation, for the Duty has been ſinking gradually theſe Thirteen Years paſt, inſomuch that at a Medium of the Produce for the Four Years immediately preceeding the Twenty third of *June* laſt the annual Amount does not come up to One hundred and twenty eight Pounds, chiefly occaſioned as is apprehended by the exceſſive Uſe of run Tea and Brandy, to which the Inhabitants are encouraged by the Lowneſs of the Price, whereby the Conſumption of Beer and Ale is greatly leſſened, as well as Traders in the fair Way are undone: And whereas this unexpected ſinking of the Produce of the Duty has been the Cauſe, that the ſaid Magiſtrates and Town Council have not been able to compleat their Harbour, now advanced a conſiderable Length, nor to diſcharge the Debts contracted for carrying it on, and the Grant being to determine at the End of this preſent Seſſion of Parliament, the Harbour muſt remain unfiniſhed, and the Town, the proper Revenue whereof is very inconſiderable, muſt remain ſubject to the Debts contracted for the Uſe of the Harbour, unleſs they are relieved by the Continuance of the Duty granted by the aforeſaid Act, *&c.*

The Duty is farther continued for 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XVII.

An Act for ſecuring the Eſtates of Papiſts conforming to the Proteſtant Religion, againſt the Diſabilities created by ſeveral Acts of Parliament relating to Papiſts; and for rendering more effectual the ſeveral Acts of Parliament made for veſting in the Two Univerſities in that Part of *Great Britain* called *England* the Preſentations of Benefices belonging to Papiſts.

Vin. Ti. H. Deine, 73, 74, & 1084.

Preamble.

3 J. 1. c. 5. 30 Car. 2. ſt. 2. 1 W. & M. ſeſſ. 1. c. 15. 9 & 10 W. 3. c. 26. 11 & 12 W. 3. c. 4. 12 Anne. ſt. 2. c. 14. 1 G. 1. ſt. 2. c. 55. 3. G. 1. c. 18. 9 G. 1. c. 18. 9 G. 2. 10 G. 1. c. 4.

WHEREAS Perſons profeſſing, or educated in the Popiſh Religion, are by divers Acts of Parliament ſubjected to ſeveral Diſabilities and Incapacities, which may affect Perſons conforming from the Popiſh to the Proteſtant Religion: And whereas many Perſons have already conformed to the Proteſtant Religion, and are willing to ſubmit to His Majeſty's Government in as full and ample Manner as any other of His Majeſty's Subjects, and others are likely ſo to do; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons being reputed Owner or Owners, or in Poſſeſſion or Receipt of the Rents and Profits of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, who having been, or reputed to be a Papiſt or Papiſts, or educated in the Popiſh Religion, hath or have conformed to, or hereafter ſhall conform to and profeſs, the Proteſtant Religion, and hath or have taken, or ſhall take the Oaths of Allegiance, Supremacy, and Abjuration, and alſo ſubſcribed, or ſhall ſubſcribe, the Declarations ſet down and expreſſed in an Act of Parliament made in the Thirtieth Year of the Reign of the late King** Charles **the Second, intituled,** An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament, **to be by him, her, or them repeated and ſubſcribed in the Courts of Chancery, or King's Bench, or Quarter Seſſions of the County where ſuch Perſon or Perſons ſhall reſide (all which ſhall be recorded in One of His Majeſty's Courts of Record at** Weſtminſter, **or ſuch Quarter Seſſions as aforeſaid) and all and every Perſon and Perſons being Proteſtants, claiming under ſuch Perſon or Perſons conforming and performing the Requiſites as aforeſaid, for their own Benefit, or for the Benefit of any other Proteſtant or Proteſtants, and not for the Benefit of any Papiſt or Papiſts, ſhall hold, poſſeſs, and enjoy all ſuch Manors, Meſſuages, Lands, Tenements, and Hereditaments, freed and diſcharged of and from the Diſabilities and Incapacities in the ſaid Acts or any of them contained, incurred, or ſuppoſed to be incurred by ſuch Perſon or Perſons ſo reputed Owner or Owners, or in Poſſeſſion or Receipt of the Rents and Profits as aforeſaid, or by any other Perſon or Perſons, by, from, or through whom the Title to ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments or any Intereſt therein was or ſhall be derived or ſuppoſed to be derived, for ſuch Eſtate, Right, Title, or Intereſt, as he, ſhe, or they had or would have had, if no ſuch Diſability or Incapacity had been incurred; unleſs the Perſon or Perſons intitled to take Advantage of ſuch Diſability, Incapacity, or Defect of Title, hath or have actually and** bona fide **recovered, or ſhall hereafter recover, ſuch Manors, Meſſuages, Lands, Tenements, or Hereditaments, by Judgement or Decree in ſome Action or Suit already commenced, or hereafter to be commenced, Six Kalendar Months at leaſt before the making of ſuch Record, and to be proſecuted with due Diligence.**

The reputed Owners, or Perſons in Poſſeſſion of the Profits of any Eſtate, being Papiſts, on conforming to the Proteſtant Religion, and taking the Oaths, *&c.* and ſubſcribing the Declarations expreſſed in the Act 30 *Car.* II. (to be recorded in one of the Courts of Record at *Weſtminſter*, or Quarter Seſſions of the County) and all Proteſtants claiming under them for the Benefit of Proteſtants only, to poſſeſs ſuch Eſtate, freed of the Diſabilities incurred by ſuch Owners, *&c.* unleſs the Perſons intitled to take Advantage of ſuch Diſability have recovered, or ſhall recover, ſuch Eſtate by Judgement in ſome Action already commenced, or to be commenced within 6 Kalendar Months before the making ſuch Record.

Not to prejudice the Right of any Perſon, who ſhall have been in Poſſeſ-

II. **Provided nevertheleſs, That this Act, or any thing herein contained, ſhall not take away or prejudice the Right of any Perſon or Perſons intitled to take Advantage of ſuch Diſability or Incapacity, who now is or are in the actual Poſſeſſion of, or ſhall have, precedent**

cedent to the making of such Record, been in quiet Possession of any such Manors, Messuages, Lands, Tenements, or Hereditaments, by the Space of Two Kalendar Months. — sion 2 Kalendar Months precedent to such Record.

III. Provided always, and be it further enacted by the Authority aforesaid, That if any such Person or Persons so conforming as aforesaid, shall after such Conformity return to, or again profess, the Popish Religion, every such Person and Persons shall for ever afterwards be disabled from and be incapable of having or enjoying any Benefit, Privilege, or Advantage of this Act, and shall from thenceforth be liable to the same Disabilities, Incapacities, and Forfeitures, as if he, she, or they had not taken the said Oaths, and subscribed the Declaration, as aforesaid; any thing herein contained to the contrary notwithstanding. — Persons returning to the Popish Religion, not to have any Benefit by this Act.

IV. Provided always, That nothing in this Act contained shall extend to take away or prejudice the Right of any Person intitled to any Remainder or Reversion in any such Manors, Messuages, Lands, Tenements, or Hereditaments, in case such Person shall pursue his or her said Right by some Action or Suit to be commenced within the Space of Twelve Kalendar Months next after the precedent Estate or Estates, on which such Remainder or Reversion depends and is expectant, shall be determined; or within Twelve Kalendar Months from and after the Twenty ninth Day of September, One thousand seven hundred and thirty eight, if such precedent Estate or Estates be already determined by the Death or Deaths of any Person or Persons, whose Deaths have been concealed from or not known to the Person intitled to such Remainder or Reversion, by Reason of their having been buried beyond the Seas, or in a private and clandestine Manner at Home, and shall prosecute such Action or Suit with due Diligence. — This Act not to prejudice the Right of any Person intitled to any Reversion, if pursued within 12 Kalendar Months, &c.

V. And whereas by an Act made in the Twelfth Year of the Reign of Queen *Anne*, for rendring more effectual an Act made in the Third Year of the Reign of King *James* the First, intituled, *An Act to prevent and avoid Dangers which may grow by Popish Recusants*; and also One other Act made in the First Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act to vest in the Two Universities the Presentations of Benefices belonging to Papists*, it was enacted, That every Papist or Person making Profession of the Popish Religion, and every Child, not being a Protestant, under the Age of One and twenty Years, of every such Papist or Person professing the Popish Religion, and every Mortgagee, Trustee, or Person any ways intrusted directly or indirectly, mediately or immediately, by or for any such Papist or Person making Profession of the Popish Religion, or such Child as aforesaid, whether such Trust be declared by Writing or not, should be disabled and made incapable to present, collate, or nominate to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, or to grant any Avoidance of any Benefice, Prebend, or Ecclesiastical Living, and that every such Presentation, Collation, Nomination, and Grant, and every Admission, Institution, and Induction to be made thereupon, should be utterly void and of no Effect to all Intents, Constructions, and Purposes whatsoever; and that in every such Case the Chancellor and Scholars of the University of *Oxford*, and the Chancellor and Scholars of the University of *Cambridge*, should respectively have the Presentation, Nomination, Collation, and Donation of and to every such Benefice, Prebend, or Ecclesiastical Living, School, Hospital, and Donative, set, lying, and being in the respective Counties, Cities, and other Places and Limits in the said Act of the Third Year of King *James* mentioned, as in and by the said Act is directed and appointed in the Case of a Popish Recusant Convict: And whereas for the better Discovery of all secret Trusts and fraudulent Conveyances made by Papists or Persons making Profession of the Popish Religion, of their Advowsons and Right of Presentation, Nomination, and Donation to any Benefices or Ecclesiastical Livings, several Provisions were made by the said Act of the Twelfth Year of the Reign of Queen *Anne*, which have been fraudulently evaded by Persons obtaining from such Papists, without a full and valuable Consideration, Grants of such Advowsons and Right of Presentation, Nomination, and Donation, upon Confidence only, that such Grantees will at the Request of such Papists present to such Benefices or Ecclesiastical Livings, Clerks nominated by such Papists, who have been presented accordingly, contrary to the true Intent and Meaning of the said Acts, and to the great Hurt of the Protestant Interest of this Kingdom; be it therefore enacted by the Authority aforesaid, That every Grant to be made from and after the Sixth Day of May, One thousand seven hundred and thirty eight, of any Advowson or Right of Presentation, Collation, Nomination, or Donation of and to any Benefice, Prebend, or Ecclesiastical Living, School, Hospital, or Donative, and every Grant of any Avoidance thereof, by any Papist or Person making Profession of the Popish Religion, or any Mortgagee, Trustee, or Person any ways intrusted directly or indirectly, mediately or immediately, by or for any such Papist or Person making Profession of the Popish Religion, whether such Trust be declared by Writing or not, shall be null and void, unless such Grant shall be made bona fide, and for a full and valuable Consideration to and for a Protestant Purchaser or Protestant Purchasers, and meerly and only for the Benefit of a Protestant or Protestants; and that every such Grantee, or Person claiming under any such Grant, shall be deemed to be a Trustee for a Papist or Person professing the Popish Religion, as aforesaid, within the true Intent and Meaning of the said Act; and that all such Grantees, or Persons claiming under such Grants, and their Presentees, shall be compelled to make such Discovery relating to such Grants and Presentations made thereupon, and by such Methods, as in and by the said Act of the Twelfth Year of the Reign of Queen Anne are directed in the Case of Trustees of Papists, or Persons professing the Popish Religion; and that every Devise to be made from and after the said Sixth Day of May, by any Papist or Person professing the Popish Religion, of any such Advowson or Right of Presentation, Collation, Nomination, or Donation, or any such Avoidance, with Intent to secure the Benefit thereof to the Heirs or Family of such Papist or Person professing the Popish Religion, shall be null and void; and that all such Devisees, and Persons claiming under such Devises, and their Presentees, shall in like Manner, and by such Methods, be compelled to discover, whether, to the best of their Knowledge and Belief, such Devises were not made with the said Intent.

Recites the Acts 12 *Ann. stat.* 2. *c.* 14. and 1 *W.* & *M. stat.* 1. *c.* 26.

Every Grant made after 6 *May*, 1738, of any Ecclesiastical Living, &c. by any Papist, &c. void,

unless made for a valuable Consideration to a Protestant Purchaser, &c.

Every Devise made of any Ecclesiastical Living after 6 *May*, 1738, by a Papist, void.

Trin University (DM) F. G.

CAP. XVIII.

An Act to continue Two several Acts therein mentioned; one for encouraging the Growth of Coffee in His Majesty's Plantations in *America*, and the other for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in *America*.

WHEREAS

Preamble.

WHEREAS the Laws herein after mentioned are found to be very uſeful and beneficial to the Publick, and are ſo near expiring, that it is fit they ſhould now be continued; **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act paſſed in the Fifth Year of his preſent Majeſty's Reign, intituled,** An Act for encouraging the Growth of Coffee in His Majeſty's Plantations in *America*, **which was to be in Force from the Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty five, to the Twenty fifth Day of** March, **One thouſand ſeven hundred and thirty nine, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby, continued from the Time therein limited for the Expiration thereof, for the Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament.**

The Act 5 *Geo.* II. *c.* 24. relating to Coffee, continued for 7 Years.

II. **And be it further enacted by the Authority aforeſaid, That an Act made in the Sixth Year of his preſent Majeſty's Reign, intituled,** An Act for the better ſecuring and encouraging the Trade of His Majeſty's Sugar Colonies in *America*, **which was to be in Force from the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty three, for the Space of Five Years, and to the End of the then next Seſſion of Parliament, ſhall be and the ſame is hereby continued from the Time therein limited for the Expiration thereof, for the further Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament.**

The Act 6 *Geo.* II. *c.* 13. relating to Sugar, continued for 7 Years.

CAP. XIX.

An Act for the more effectual ſecuring the Payment of Rents, and preventing Frauds by Tenants.

Preamble.

WHEREAS the ſeveral Laws heretofore made for the better Security of Rents, and to prevent Frauds committed by Tenants, have not proved ſufficient to obtain the good Ends and Purpoſes deſigned thereby, but rather the fraudulent Practices of Tenants, and the Miſchief intended by the ſaid Acts to be prevented, have of late Years increaſed, to the great Loſs and Damage of their Leſſors or Landlords: **For Remedy whereof, may it pleaſe your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **in the Year of our Lord One thouſand ſeven hundred and thirty eight, in caſe any Tenant or Tenants, Leſſee or Leſſees for Life or Lives, Term of Years, at Will, Sufferance, or otherwiſe, of any Meſſuages, Lands, Tenements, or Hereditaments, upon the Demiſe or holding whereof any Rent is or ſhall be reſerved, due, or made payable, ſhall fraudulently or clandeſtinely convey away, or carry off or from ſuch Premiſes, his, her, or their Goods or Chattels, to prevent the Landlord or Leſſor, Landlords or Leſſors, from diſtraining the ſame for Arrears of Rent ſo reſerved, due, or made payable; it ſhall and may be lawful to and for every Landlord or Leſſor, Landlords or Leſſors, within that Part of** Great Britain **called** England, **Dominion of** Wales, **or the Town of** Berwick **upon** Tweed, **or any Perſon or Perſons by him, her, or them for that Purpoſe lawfully impowered, within the Space of Thirty Days next enſuing ſuch conveying away or carrying off ſuch Goods or Chattels as aforeſaid, to take and ſeize ſuch Goods and Chattels, wherever the ſame ſhall be found, as a Diſtreſs for the ſaid Arrears of Rent; and the ſame to ſell or otherwiſe diſpoſe of in ſuch Manner, as if the ſaid Goods and Chattels had actually been diſtrained by ſuch Leſſor or Landlord, Leſſors or Landlords in and upon ſuch Premiſes for ſuch Arrears of Rent; any Law, Cuſtom, or Uſage to the contrary in any wiſe notwithſtanding.**

Landlords may diſtrain and ſell Goods fraudulently carried off the Premiſſes,

unleſs ſold to any Perſon not privy to the Fraud.

II. **Provided always, That no Landlord or Leſſor, or other Perſon intitled to ſuch Arrears of Rent, ſhall take or ſeize any ſuch Goods or Chattels as a Diſtreſs for the ſame, which ſhall be ſold** bona fide, **and for a valuable Conſideration, before ſuch Seizure made, to any Perſon or Perſons not privy to ſuch Fraud as aforeſaid; any thing herein contained to the contrary notwithſtanding.**

Penalty on the ſaid Fraud, or aſſiſting thereto.

III. **And to deter Tenants from ſuch fraudulent conveying away their Goods and Chattels, and others from wilfully aiding or aſſiſting therein, or concealing the ſame; be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **if any ſuch Tenant or Leſſee ſhall fraudulently remove and convey away his or her Goods or Chattels, as aforeſaid, or if any Perſon or Perſons ſhall wilfully and knowingly aid or aſſiſt any ſuch Tenant or Leſſee in ſuch fraudulent conveying away or carrying off of any Part of his or her Goods or Chattels, or in concealing the ſame; all and every Perſon or Perſons ſo offending ſhall forfeit and pay to the Landlord or Landlords, Leſſor or Leſſors, from whoſe Eſtate ſuch Goods and Chattels were fraudulently carried off as aforeſaid, double the Value of the Goods by him, her, or them reſpectively carried off or concealed as aforeſaid; to be recovered by Action of Debt in any of His Majeſty's Courts of Record at** Weſtminſter, **or in the Courts of Seſſion in the Counties Palatine of** Cheſter, Lancaſter, **or** Durham **reſpectively, or in the Courts of Grand Seſſions in** Wales; **wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, nor more than One Imparlance.**

If the Goods exceed not the Value of 50*l.* Landlords to have Recourſe to 2 Juſtices.

IV. **Provided always, and be it enacted by the Authority aforeſaid, That where the Goods and Chattels ſo fraudulently carried off or concealed ſhall not exceed the Value of Fifty Pounds, it ſhall and may be lawful for the Landlord or Landlords, from whoſe Eſtate ſuch Goods or Chattels were removed, his, her, or their Bailiff, Servant, or Agent, in his, her, or their Behalf, to exhibit a Complaint in Writing againſt ſuch Offender or Offenders before Two or more Juſtices of the Peace of the ſame County, Riding, or Diviſion of ſuch County, reſiding near the Place whence ſuch Goods and Chattels were removed, or near the Place where the ſame were found, not being intereſted in the Lands or Tenements whence ſuch Goods were removed; who may ſummon the Parties concerned, examine the Fact, and all proper Witneſſes upon Oath, or if any ſuch Witneſs be one of the People called** Quakers, **upon Affirmation required by Law; and in a ſummary Way determine, whether ſuch Perſon or Perſons be guilty of the Offence, with which he or they are charged; and to enquire in like Manner of the Value of the Goods and Chattels by him, her,**

her, or them respectively so fraudulently carried off or concealed as aforesaid; and, upon full Proof of the Offence, by Order under their Hands and Seals, the said Justices of Peace may and shall adjudge the Offender or Offenders to pay double the Value of the said Goods and Chattels to such Landlord or Landlords, his, her, or their Bailiff, Servant, or Agent, at such Time as the said Justices shall appoint: And in case the Offender or Offenders having Notice of such Order, shall refuse or neglect so to do, may and shall by Warrant under their Hands and Seals levy the same by Distress and Sale of the Goods and Chattels of the Offender or Offenders; and for want of such Distress may commit the Offender or Offenders to the House of Correction, there to be kept to hard Labour without Bail or Mainprize for the Space of Six Months, unless the Money so ordered to be paid as aforesaid shall be sooner satisfied.

Appeal from them to the Quarter Sessions.

V. Provided also, That it shall and may be lawful for any Person, who thinks himself aggrieved by such Order of the said Two Justices, to appeal to the Justices of Peace at their next General or Quarter Sessions to be held for the same County, Riding, or Division of such County, who may and shall hear and determine such Appeal, and give such Costs to either Party as they shall think reasonable, whose Determination therein shall be final.

The 2 Justices Order, on such Appeal, not to be executed.

VI. Provided also, That where the Party appealing shall enter into a Recognizance with One or Two sufficient Surety or Sureties in double the Sum so ordered to be paid, with Condition to appear at such General or Quarter Sessions, the Order of the said Two Justices shall not be executed against him in the mean Time.

Landlords may break open Houses to seize Goods fraudulently secured therein;

VII. And be it further enacted by the Authority aforesaid, That where any Goods or Chattels fraudulently or clandestinely conveyed or carried away by any Tenant or Tenants, Lessee or Lessees, his, her, or their Servant or Servants, Agent or Agents, or other Person or Persons aiding or assisting therein, shall be put, placed, or kept in any House, Barn, Stable, Out-house, Yard, Close, or Place locked up, fastened, or otherwise secured, so as to prevent such Goods or Chattels from being taken and seized as a Distress for Arrears of Rent; it shall and may be lawful for the Landlord or Landlords, Lessor or Lessors, his, her, or their Steward, Bailiff, Receiver, or other Person or Persons impowered, to take and seize, as a Distress for Rent, such Goods and Chattels (first calling to his, her, or their Assistance the Constable, Headborough, Borsholder, or other Peace Officer of the Hundred, Borough, Parish, District, or Place where the same shall be suspected to be concealed, who are hereby required to aid and assist therein; and in case of a Dwelling-house, Oath being also first made before some Justice of the Peace of a reasonable Ground to suspect that such Goods or Chattels are therein) in the Day-time, to break open and enter into such House, Barn, Stable, Out-house, Yard, Close, and Place; and to take and seize such Goods and Chattels for the said Arrears of Rent, as he, she, or they might have done by virtue of this or any former Act, if such Goods and Chattels had been put in any open Field or Place.

and may distrain Stock or Cattle on the Premisses, for Arrears of Rent.

VIII. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty eight, it shall and may be lawful to and for every Lessor or Landlord, Lessors or Landlords, or his, her, or their Steward, Bailiff, Receiver, or other Person or Persons impowered by him, her, or them, to take and seize, as a Distress for Arrears of Rent, any Cattle or Stock of their respective Tenant or Tenants, feeding or depasturing upon any Common, appendant or appurtenant, or any ways belonging to all or any Part of the Premisses demised or holden; and also to take and seize all Sorts of Corn and Grass, Hops, Roots, Fruits, Pulse, or other Product whatsoever, which shall be growing on any Part of the Estates so demised or holden, as a Distress for Arrears of Rent; and the same to cut, gather, make, cure, carry, and lay up, when ripe, in the Barns, or other proper Place on the Premisses so demised or holden; and in case there shall be no Barn or proper Place on the Premisses so demised or holden, then in any other Barn or proper Place which such Lessor or Landlord, Lessors or Landlords shall hire or otherwise procure for that Purpose, and as near as may be to the Premisses; and in convenient Time to appraise, sell, or otherwise dispose of the same, towards Satisfaction of the Rent for which such Distress shall have been taken, and of the Charges of such Distress, Appraisement, and Sale, in the same Manner as other Goods and Chattels may be seized, distrained, and disposed of; and the Appraisement thereof to be taken when cut, gathered, cured, and made, and not before.

Vin. Tit. Distress (H.) pl. 3, & Hardres Rep.

Tenants to have Notice of the Place where the Distress is lodged.

Distress of Corn, &c. to cease, if Rent be paid before it be cut.

IX. Provided always, That Notice of the Place where the Goods and Chattels so distrained shall be lodged or deposited, shall, within the Space of one Week after the lodging or depositing thereof in such Place, be given to such Lessee or Tenant, or left at the last Place of his or her Abode; and that if after any Distress for Arrears of Rent so taken, of Corn, Grass, Hops, Roots, Fruits, Pulse, or other Product which shall be growing as aforesaid, at any time before the same shall be ripe and cut, cured, or gathered, the Tenant or Lessee, his or her Executors, Administrators, or Assigns, shall pay, or cause to be paid to the Lessor or Landlord, Lessors or Landlords, for whom such Distress shall be taken, or to the Steward or other Person usually employed to receive the Rent of such Lessor or Lessors, Landlord or Landlords, the whole Rent which shall be then in Arrear, together with the full Costs and Charges of making such Distress, and which shall have been occasioned thereby; that then, and upon such Payment, or lawful Tender thereof actually made, whereby the End of such Distress will be fully answered, the same and every Part thereof shall cease; and the Corn, Grass, Hops, Roots, Fruits, Pulse, or other Product so distrained, shall be delivered up to the Lessee or Tenant, his or her Executors, Administrators, or Assigns; any thing herein before contained to the contrary notwithstanding.

L^d Raym. 1426

X. And whereas great Difficulties and Inconveniencies frequently arise to Landlords and Lessors and other Persons taking Distresses for Rent, in removing the Goods and Chattels or Stock distrained, off the Premisses, in Cases where by Law they may not be impounded and secured thereupon; and also to the Tenants themselves many times, by the Damage unavoidably done to such Goods and Chattels, or Stock, in the Removal thereof; be it enacted by the Authority aforesaid, That from and after the said Twenty

Diſtreſſes may be ſecured, and ſold on the Premiſſes.

fourth Day of June, One thouſand ſeven hundred and thirty eight, it ſhall and may be lawful to and for any Perſon or Perſons lawfully taking any Diſtreſs for any Kind of Rent, to impound, or otherwiſe ſecure the Diſtreſs ſo made, of what Nature or Kind ſoever it may be, in ſuch Place, or on ſuch Part of the Premiſſes chargeable with the Rent, as ſhall be moſt fit and convenient for the impounding and ſecuring ſuch Diſtreſs; and to appraiſe, ſell, and diſpoſe of the ſame upon the Premiſſes, in like Manner, and under the like Directions and Reſtraints to all Intents and Purpoſes, as any Perſon taking a Diſtreſs for Rent may now do off the Premiſſes, by virtue of an Act made in the Second Year of the Reign of King William and Queen Mary, intituled, An Act for enabling the Sale of Goods diſtrained for Rent, in caſe the Rent be not paid in a reaſonable Time; or of another Act made in the Fourth Year of His preſent Majeſty, intituled, An Act for the more effectual preventing Frauds committed by Tenants, and for the more eaſy Recovery of Rents, and Renewal of Leaſes; and that it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, to come and go to and from ſuch Place or Part of the ſaid Premiſſes, where any Diſtreſs for Rent ſhall be impounded and ſecured as aforeſaid, in order to view, appraiſe, and buy, and alſo in order to carry off or remove the ſame, on account of the Purchaſer thereof; and that if any Pound-breach or Reſcous ſhall be made of any Goods and Chattels, or Stock diſtrained for Rent, and impounded or otherwiſe ſecured by virtue of this Act, the Perſon or Perſons aggrieved thereby ſhall have the like Remedy, as in Caſes of Pound-breach or Reſcous is given and provided by the ſaid Statute.

XI. And whereas the Poſſeſſion of Eſtates in Lands, Tenements, and Hereditaments is rendered very precarious by the frequent and fraudulent Practice of Tenants, in attorning to Strangers, who claim Title to the Eſtates of their reſpective Landlord or Landlords, Leſſor or Leſſors, who by that Means are turned out of Poſſeſſion of their reſpective Eſtates, and put to the Difficulty and Expence of recovering the Poſſeſſion thereof by Actions or Suits at Law; for Remedy thereof, be it enacted by the Authority aforeſaid,

Attornment of Tenants, void.

That from and after the ſaid Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty eight, all and every ſuch Attornment and Attornments of any Tenant or Tenants of any Meſſuages, Lands, Tenements, or Hereditaments, within that Part of Great Britain called England, Dominion of Wales, or Town of Berwick upon Tweed, ſhall be abſolutely null and void to all Intents and Purpoſes whatſoever; and the Poſſeſſion of their reſpective Landlord or Landlords, Leſſor or Leſſors, ſhall not be deemed or conſtrued to be any wiſe changed, altered, or affected by any ſuch Attornment or Attornments:

Exception.

Provided always, That nothing herein contained ſhall extend to vacate or affect any Attornment made purſuant to and in conſequence of ſome Judgement at Law, or Decree or Order of a Court of Equity, or made with the Privity and Conſent of the Landlord or Landlords, Leſſor or Leſſors, or to any Mortgagee after the Mortgage is become forfeited.

XII. And whereas great Inconveniencies have frequently happened to Landlords by their Tenants ſecreting Declarations in Ejectment, which have been delivered to them, or by refuſing to appear to ſuch Ejectments, or to ſuffer their Landlords to take upon them the Defence thereof; be it further enacted by the Authority aforeſaid,

Againſt Tenants ſecreting Ejectments.

That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty eight, every Tenant, to whom any Declaration in Ejectment ſhall be delivered for any Lands, Tenements, or Hereditaments, in that Part of Great Britain called England, Dominion of Wales, or Town of Berwick upon Tweed, ſhall forthwith give Notice thereof to his or her Landlord or Landlords, or his, her, or their Bailiff or Receiver, under Penalty of forfeiting the Value of Three Years improved or Rack Rent of the Premiſſes ſo demiſed or holden in the Poſſeſſion of ſuch Tenant, to the Perſon of whom he or ſhe holds; to be recovered by Action of Debt to be brought in any of His Majeſty's Courts of Record at Weſtminſter, or in the Counties Palatine of Cheſter, Lancaſter, and Durham, reſpectively, or in the Courts of Grand-ſeſſions in Wales; wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, nor any more than one Imparlance.

Landlord impowered to make himſelf Defendant by joining with the Tenant, &c.

XIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Court where ſuch Ejectment ſhall be brought, to ſuffer the Landlord or Landlords to make him, her, or themſelves Defendant or Defendants, by joining with the Tenant or Tenants, to whom ſuch Declaration in Ejectment ſhall be delivered, in caſe he or they ſhall appear; but in caſe ſuch Tenant or Tenants ſhall refuſe or neglect to appear, Judgement ſhall be ſigned againſt the caſual Ejector for want of ſuch Appearance; but if the Landlord or Landlords of any Part of the Lands, Tenements, or Hereditaments, for which ſuch Ejectment was brought, ſhall deſire to appear by himſelf or themſelves, and conſent to enter into the like Rule that by the Courſe of the Court the Tenant in Poſſeſſion in caſe he or ſhe had appeared ought to have done; then the Court where ſuch Ejectment ſhall be brought ſhall and may permit ſuch Landlord or Landlords ſo to do, and order a Stay of Execution upon ſuch Judgement againſt the caſual Ejector, until they ſhall make further Order therein.

XIV. And to obviate ſome Difficulties that many times occur in the Recovery of Rents, where the Demiſes are not by Deed, be it further enacted by the Authority aforeſaid,

Rents how to be recovered, where the Demiſes are not by Deed.

That from and after the ſaid Twenty fourth Day of June, it ſhall and may be lawful to and for the Landlord or Landlords, where the Agreement is not by Deed, to recover a reaſonable Satisfaction for the Lands, Tenements, or Hereditaments, held or occupied by the Defendant or Defendants, in an Action on the Caſe, for the Uſe and Occupation of what was ſo held or enjoyed; and if in Evidence on the Trial of ſuch Action any Parol Demiſe or any Agreement (not being by Deed) whereon a certain Rent was reſerved ſhall appear, the Plaintiff in ſuch Action ſhall not therefore be nonſuited, but may make uſe thereof as an Evidence of the Quantum of the Damages to be recovered.

XV. And whereas where any Leſſor or Landlord, having only an Eſtate for Life in the Lands, Tenements, or Hereditaments demiſed, happens to die before or on the Day, on which any Rent is reſerved, or made payable, ſuch Rent, or any Part thereof, is not by Law recoverable by the Executors or Adminiſtrators of ſuch Leſſor or Landlord; nor is the Perſon in Reverſion entitled thereto, any other than for the Uſe and Occupation of ſuch Lands, Tenements, or Hereditaments, from the Death of the Tenant for Life; of which advantage hath been often taken by the Under-tenants, who thereby avoid paying any thing for the ſame;

for

for Remedy whereof be it enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty eight, where any Tenant for Life shall happen to die before or on the Day, on which any Rent was reserved or made payable upon any Demise or Lease of any Lands, Tenements, or Hereditaments, which determined on the Death of such Tenant for Life, that the Executors or Administrators of such Tenant for Life shall and may in an Action on the Case recover of and from such Under-tenant or Under-tenants of such Lands, Tenements, or Hereditaments, if such Tenant for Life die on the Day on which the same was made payable the whole, or if before such Day then a Proportion, of such Rent according to the Time such Tenant for Life lived, of the last Year, or Quarter of a Year, or other Time in which the said Rent was growing due as aforesaid, making all just Allowances or a proportionable Part thereof respectively.

Rents recoverable from Under-tenant, where Tenants for Life die before the Lease is expired.

XVI. And whereas Landlords are often great Sufferers by Tenants running away in Arrear, and not only suffering the demised Premisses to lie uncultivated without any Distress thereon, whereby their Landlords or Lessors might be satisfied for the Rent-arrear, but also refusing to deliver up the Possession of the demised Premisses, whereby the Landlords are put to the Expence and Delay of recovering in Ejectment; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, if any Tenant holding any Lands, Tenements, or Hereditaments, at a Rack-rent, or where the Rent reserved shall be full Three fourths of the yearly Value of the demised Premisses, who shall be in Arrear for one Year's Rent, shall desert the demised Premisses, and leave the same uncultivated or unoccupied, so as no sufficient Distress can be had to countervail the Arrears of Rent; it shall and may be lawful to and for Two or more Justices of the Peace of the County, Riding, Division, or Place (having no Interest in the demised Premisses) at the Request of the Lessor or Landlord, Lessors or Landlords, or his, her, or their Bailiff or Receiver, to go upon and view the same, and to affix, or cause to be affixed, on the most notorious Part of the Premisses Notice in Writing, what Day (at the Distance of Fourteen Days at least) they will return to take a second View thereof; and if upon such second View the Tenant, or some Person on his or her Behalf, shall not appear, and pay the Rent in Arrear, or there shall not be sufficient Distress upon the Premisses; then the said Justices may put the Landlord or Landlords, Lessor or Lessors, into the Possession of the said demised Premisses; and the Lease thereof to such Tenant, as to any Demise therein contained only, shall from thenceforth become void.

Provision for Landlords, where Tenants desert the Premisses.

XVII. Provided always, That such Proceedings of the said Justices shall be examinable in a summary Way by the next Justice or Justices of Assize of the respective Counties, in which such Lands or Premisses lie; and if they lie in the City of London or County of Middlesex, by the Judges of the Courts of King's Bench or Common Pleas; and if in the Counties Palatine of Chester, Lancaster, or Durham, then before the Judges thereof; and if in Wales, then before the Courts of Grand-sessions respectively; who are hereby respectively impowered to order Restitution to be made to such Tenant, together with his or her Expences and Costs, to be paid by the Lessor or Landlord, Lessors or Landlords, if they shall see cause for the same; and in case they shall affirm the Act of the said Justices, to award Costs not exceeding Five Pounds for the frivolous Appeal.

Tenants may appeal from the Justices.

XVIII. And whereas great Inconveniencies have happened, and may happen to Landlords, whose Tenants have Power to determine their Leases, by giving Notice to quit the Premisses by them holden, and yet refusing to deliver up the Possession, when the Landlord hath agreed with another Tenant for the same; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, in case any Tenant or Tenants shall give Notice of his, her, or their Intention to quit the Premisses by him, her, or them holden, at a time mentioned in such Notice, and shall not accordingly deliver up the Possession thereof at the time in such Notice contained; that then the said Tenant or Tenants, his, her, or their Executors or Administrators, shall from thenceforward pay to the Landlord or Landlords, Lessor or Lessors, double the Rent or Sum, which he, she, or they should otherwise have paid; to be levied, sued for, and recovered at the same Times, and in the same Manner, as the single Rent or Sum before the giving such Notice could be levied, sued for, or recovered; and such double Rent or Sum shall continue to be paid, during all the Time such Tenant or Tenants shall continue in Possession as aforesaid.

Tenants holding Premisses after the time they notify for quitting them, to pay double Rent for such time.

XIX. And whereas it hath sometimes happened, that upon any Distress made for Rent justly due the Directions of the Statute made in the Second Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act for enabling the Sale of Goods distrained for Rent, in case the Rent be not paid in a reasonable Time*, have not been strictly pursued, but through the Mistake or Inadvertency of the Landlord or other Person entitled to such Rent and distraining for the same, or of the Bailiff or Agent of such Landlord or other Person, some Irregularity or tortious Act hath been afterwards done in the Disposition of the Distress so seized or taken, as aforesaid; for which Irregularity or tortious Act the Party distraining hath been deemed a Trespasser *ab initio*, and in an Action brought against him as such the Plaintiff hath been entitled to recover, and has actually recovered, the full Value of the Rent, for which such Distress was taken: And whereas it is a very great Hardship upon Landlords and other Persons entitled to Rents, that a Distress duly made should be thus in Effect avoided for any subsequent Irregularity; be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty eight, where any Distress shall be made for any kind of Rent justly due, and any Irregularity or unlawful Act shall be afterwards done by the Party or Parties distraining, or by his, her, or their Agents; the Distress itself shall not be therefore deemed to be unlawful, nor the Party or Parties making it be deemed a Trespasser or Trespassers ab initio; but the Party or Parties aggrieved by such unlawful Act or Irregularity shall or may recover full Satisfaction for the special Damage he, she, or they shall have sustained thereby, and no more, in an Action of Trespass or on the Case at the Election of the Plaintiff or Plaintiffs: Provided always, That where the Plaintiff or Plaintiffs shall recover in such Action, he, she, or they shall be paid his, her, or their full Costs of Suit, and have all the like Remedies for the same as in other Cases of Costs.

Distresses for Rent not unlawful, &c. for any Irregularity in the Disposition of them;

nor Tenants to recover by Action, on Tender of Amends.

XX. Provided nevertheless, That no Tenant or Tenants, Lessee or Lessees, shall recover in any Action for any such unlawful Act or Irregularity as aforesaid, if Tender of Amends hath been made by the Party or Parties distraining, his, her, or their Agent or Agents, before such Action brought.

In Actions against Persons intitled to Rents, the Defendants may plead the General Issue, &c.

XXI. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, in all Actions of Trespass or upon the Case to be brought against any Person or Persons intitled to Rents or Services of any Kind, his, her, or their Bailiff or Receiver, or other Person or Persons, relating to any Entry by virtue of this Act, or otherwise, upon the Premisses chargeable with such Rents or Services, or to any Distress or Seizure, Sale or Disposal of any Goods or Chattels thereupon; it shall and may be lawful to and for the Defendant or Defendants in such Actions to plead the General Issue, and give the special matter in Evidence; any Law or Usage to the contrary notwithstanding: And in case the Plaintiff or Plaintiffs in such Action shall become nonsuit, discontinue his, her, or their Action, or have Judgement against him, her, or them, the Defendant or Defendants shall recover double Costs of Suit.

Defendants in Replevin to make Conuzance, that the Plaintiff held the Premisses at a certain Rent, &c.

XXII. And whereas great Difficulties often arise in making Avowries or Conuzance upon Distresses for Rent, Quit-rents, Reliefs, Heriots, and other Services; be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, it shall and may be lawful to and for all Defendants in Replevin to avow or make Conuzance generally, that the Plaintiff in Replevin, or other Tenant of the Lands and Tenements whereon such Distress was made, enjoyed the same under a Grant or Demise at such a certain Rent, during the Time wherein the Rent distrained for incurred, which Rent was then and still remains due; or that the Place where the Distress was taken was Parcel of such certain Tenements, held of such Honor, Lordship, or Manor, for which Tenements the Rent, Relief, Heriot, or other Service distrained for, was at the Time of such Distress and still remains due; without further setting forth the Grant, Tenure, Demise, or Title of such Landlord or Landlords, Lessor or Lessors, Owner or Owners of such Manor; any Law or Usage to the contrary notwithstanding: And if the Plaintiff or Plaintiffs in such Action shall become nonsuit, discontinue his, her, or their Action, or have Judgement given against him, her, or them, the Defendant or Defendants in such Replevin shall recover double Costs of Suit.

To prevent vexatious Replevins.

XXIII. And to prevent verations Replevins of Distresses taken for Rent, be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty eight, all Sheriffs, and other Officers having Authority to grant Replevins, may and shall in every Replevin of a Distress for Rent, take, in their own Names, from the Plaintiff, and Two responsible Persons as Sureties, a Bond in double the Value of the Goods distrained (such Value to be ascertained by the Oath of One or more credible Witness or Witnesses not interested in the Goods or Distress, which Oath the Person granting such Replevin is hereby authorized and required to administer) and conditioned for prosecuting the Suit with Effect and without Delay, and for duly returning the Goods and Chattels distrained in case a Return shall be awarded, before any Deliverance be made of the Distress; and that such Sheriff, or other Officer as aforesaid, taking any such Bond, shall at the Request and Costs of the Avowant or Person making Conuzance assign such Bond to the Avowant or Person aforesaid, by indorsing the same, and attesting it under his Hand and Seal in the Presence of Two or more credible Witnesses; which may be done without any Stamp, provided the Assignment so indorsed be duly stamped before any Action brought thereupon; and if the Bond so taken and assigned be forfeited, the Avowant, or Person making Conuzance, may bring an Action and recover thereupon in his own Name; and the Court where such Action shall be brought may by a Rule of the same Court give such Relief to the Parties upon such Bond, as may be agreeable to Justice and Reason; and such Rule shall have the Nature and Effect of a Defeazance to such Bond.

CAP. XX.

An Act for the more effectual securing the Payments of certain Sums of Money directed by an Act made in the Forty third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Relief of the Poor*, to be paid by the respective Treasurers of every County in *England* and *Wales*, for the Relief of the poor Prisoners of the *King's Bench* and *Marshalsea* Prisons.

Preamble, reciting the Act 43 *Eliz.* cap. 2.

WHEREAS by an Act made in the Forty third Year of the Reign of her late Majesty Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, a Provision is made for raising, collecting, and paying the several Sums of Money therein mentioned, for and towards the Relief of the poor Prisoners of the *King's Bench* and *Marshalsea* Prisons, the good Intent of which Act hath not been answered for want of a proper Method to enforce the Payment of the said Money by the Treasurers of the several Counties, who are directed by the said Statute to pay the same; for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty eight, every Treasurer of every County within England and Wales shall on or before the First Day of Trinity Term yearly and every Year pay over to the Lord Chief Justice of England, and Knight Marshal for the time being, or to such Person or Persons as they shall respectively appoint, taking their Acquittances for the same, or in Default of the said Chief Justice to the next most ancient Justice of the King's Bench, the several and respective Sums of Money which shall be then due from every such respective County, equally to be divided between the Prisoners of the King's Bench and Marshalsea Prisons, for the charitable Purposes in the said Act in that Behalf mentioned.

Treasurers of Counties to pay the Monies to the Lord Chief Justice, &c.

II. And be it further enacted by the Authority aforesaid, That if any such Treasurer shall neglect or refuse to pay over such respective Sums of Money, or any Part thereof, in Manner aforesaid, that then upon the Report of the said Chief Justice, or of the said next most ancient Justice of the said Court of King's Bench, being made, or upon the Certificate of the said Knight Marshal, or the Certificate or Certificates on Oath of such Person or Persons as they shall appoint to receive the same, being delivered to the said Court, of such Neglect or Refusal, it shall and may be lawful for the said Court of King's Bench to make a Rule on every such Treasurer so neglecting or refusing as aforesaid, requiring such Treasurer to pay the Money so reported or certified to be due as aforesaid; and Obedience to such Rule shall and may be enforced by the said Court in such Manner and by such Ways and Means as Rules of the said Court of King's Bench are usually enforced. or, on Refusal, to be compelled by Rule of *King's Bench*.

III. And that the said Treasurers may be the better amenable to the said Court of King's Bench; be it further enacted by the Authority aforesaid, That every Person who now is or hereafter shall be elected or appointed Treasurer of any County in England or Wales, shall, within Thirty Days after the Twenty ninth Day of September, One thousand seven hundred and thirty eight, or within Thirty Days after his Election or Appointment respectively into such Office of Treasurer, transmit his Name and Place of Abode to the Clerk of the Crown in His Majesty's said Court of King's Bench, to be by him entered or registred in a Book to be kept for that Purpose; for which Entry no Fee or Reward shall be taken: And in case any such Treasurer shall neglect or refuse to transmit his Name and Place of Abode as aforesaid; that then, upon the Report of the said Clerk of the Crown made to the said Court of such Neglect or Refusal, every such Treasurer shall be liable to be proceeded against in the same Manner as in the case of neglecting or refusing to pay such Money as aforesaid. Treasurers to give in their Names, &c. to the Clerk of the Crown;

IV. And be it further enacted by the Authority aforesaid, That from time to time, and as often as there shall be Occasion for the said Court of King's Bench to make any Rule as aforesaid on any of the said Treasurers in pursuance of this Act, the whole Cost and Charge of making such Rule, and all subsequent Charges arising therefrom, shall be paid by the Treasurer whose Default or Neglect shall cause the making of such Rule. and to stand to the Charge of Rules of the said Court.

CAP. XXI.

An Act to impower the present Trustees under the last Will and Testament of *John Marshall* Gentleman, deceased, to lay out a certain Sum of Money, now in their Hands, for pulling down and rebuilding the Parish Church of *Christ Church* in the County of *Surrey*, and for inclosing a Piece of Ground lately purchased, for an additional Church Yard to the said Church.

WHEREAS *John Marshall* Gentleman, deceased, did by his last Will and Testament (bearing Date the Twenty first Day of *August*, One thousand six hundred and twenty seven) devise divers Lands, Tenements, and Hereditaments, in the said Will mentioned, to Trustees therein named, their Heirs and Assigns, upon Trust, that they (amongst other Bequests) should thereout raise Seven hundred Pounds, and therewith build a new Church, and purchase a convenient Church Yard; and directed, That the Charges of procuring an Act of Parliament, or the Royal Licence, or what else necessary for the better effecting thereof, should be defrayed out of the Rents, Issues, and Profits of the said Lands; and that his said Trustees, and their Heirs, should after Consecration thereof provide a Minister, to be placed in the said Church from time to time; and that they, their Heirs and Assigns, should yearly and every Year pay unto such Minister the Sum of Forty Pounds out of the Rents, Issues, and Profits of the said Lands; and that the rest of the Rents, Issues, and Profits thereof, not thereby otherwise disposed of, should be received and kept together by his said Trustees, their Heirs and Assigns, and employed at their Discretions, until they should have raised sufficient to purchase Lands and Tenements of the clear yearly Value of Sixty Pounds, with which they were to endow the said Church; and presently after such Endowment, the Payment of the Forty Pounds a Year to the Incumbent was to cease: And whereas the said *John Marshall* (after Performance of all the Charities by the said Will directed to be performed) did declare, That in the last Place, the Rents and Profits of his Lands (not otherwise disposed of) should for ever after be applied by his Trustees, for and towards buying in of Rectories Impropriate, to them, their Heirs and Assigns, for the Maintenance and Continuance of the sincere preaching of God's most holy Word in this Land for ever: And whereas the Trustees, having in Performance of the Trusts created by the said Will, raised the said Seven hundred Pounds out of the Profits of his said Lands, did, in the Year One thousand six hundred and seventy, lay out the same in building a Church on Part of the Lordship, Manor, or Liberty, called *Paris Garden* (then Part of the Parish of St. *Saviour*'s *Southwark*) and by an Act of Parliament passed in the Twenty second and Twenty third Years of the Reign of King *Charles* the Second, the said Lordship, Manor, or Liberty of *Paris Garden*, was made a distinct and separate Parish, and the said new erected Church was to be called by the Name of *Christ Church*, and to be the Parish Church of the same Parish; and for Maintenance of the Rector of the said Church (until it was endowed with Sixty Pounds *per Annum* as aforesaid) the Trustees, their Heirs and Assigns, were to pay to the Rector of the said Parish for the time being, Forty Pounds *per Annum*, appointed to be paid out of the Rents and Profits of the said Testator's Lands, and were also to raise, over and above the said Seven hundred Pounds then expended, the Sum of Four hundred Pounds (if they judged neneffary) for compleating the said new Church, and for paying the Churchwardens and Impropriators of St. *Saviour*'s Parish in *Southwark* the Sum of One hundred Pounds, for and in respect of such voluntary Contributions and Tithes as formerly came unto the said Churchwardens from the Inhabitants of the said Lordship or Manor of *Paris Garden*, for repairing their Church: And whereas the said Trustees raised and paid the said Four hundred Pounds additional Charge according to the Direction of the before mentioned Act, and also duly paid the said Forty Pounds a Year to the Rector of the said Church; but the Church not being then compleatly finished (having neither Steeple nor Bells) and the Rents of the Testator's Estate being so much fallen, that the Trustees were not in any Probability like to raise a Fund to purchase Lands and Tenements of Sixty Pounds a Year, for the Endowment of the said Church, in a very long Time; so that the subsequent charitable Gifts of the said Testator were in Danger of being defeated, and the Provision of Forty Pounds *per Annum* for the Minister being inconsiderable, and the said Trustees and Inhabitants of the said Parish being desirous that a fitting Maintenance might be provided for an able Minister, so as the Money then in the Trustees Hands (being Four hundred Pounds or thereabouts) might be applied towards compleating Preamble.

compleating the ſaid Church, another Act was paſſed in the Seventh Year of the Reign of his late Majeſty King *William* the Third; whereby it was enacted, That all ſuch Money as was raiſed out of the ſaid Lands, and was then remaining in the Truſtees Hands, ſhould be laid out in building a Steeple, and providing a Clock and Bells for the ſaid Church; and that in Lieu of and Recompence for the ſaid Money the Pariſh ſhould for ever by a Pound Rate (not exceeding Three Pence in the Pound for any One Year) raiſe Sixty Pounds a Year for the Miniſter, which was for ever to be an Addition to the ſaid Forty Pounds *per Annum*, payable by the ſaid Truſtees to the Miniſter, who is obliged to reſide within the ſaid Pariſh; and the ſame was to be in Lieu and Recompence of the Sixty Pounds a Year directed by the Will of the ſaid *John Marſhall* to be purchaſed for Endowment of the ſaid Church: And whereas the Truſtees did, purſuant to the laſt mentioned Act, lay out the ſaid Sum of Money accordingly, and the ſaid Sixty Pounds *per Annum*, ſo to be raiſed by a Pound Rate as aforeſaid, has been paid to the Miniſter of the ſaid Church, till about the Year One thouſand ſeven hundred and twenty one; ſince when, by Reaſon of the falling of Rents, empty Houſes, and the Poverty of the Inhabitants of the ſaid Pariſh, no more than Thirty three Pounds a Year have been, or could be raiſed; and in the Year One thouſand ſeven hundred and twenty five, there was an Arrear of One hundred and forty five Pounds due to him; whereupon His Majeſty's then Attorney General, at the Relation of the then Rector and ſeveral of the Inhabitants, in *Michaelmas* Term in the ſame Year, exhibited a Bill in the High Court of Chancery againſt the then Truſtees, for the Payment of the ſaid Arrear out of the Money then reſting in their Hands; to which the Defendants put in their Anſwer, and on the Second Day of *Auguſt*, One thouſand ſeven hundred and twenty ſix, it was decreed by the ſaid Court, That the ſaid Truſtees, out of the Rents and Profits of the Lands, and the Intereſt in their Hands, and the Profits of the Rectories Impropriate when purchaſed, ſhould pay to the Miniſter for the time being of the ſaid Church, Twenty ſeven Pounds *per Annum*, and to ſupply the Deficiency occaſioned by the Poverty of the ſaid Pariſh: And whereas ſince ſuch Decree the ſaid Truſtees have paid the ſaid Arrear, and continue to pay the ſaid Sum of Twenty ſeven Pounds *per Annum*, and have purchaſed the Impropriate Tithes of *Wandſworth* in the County of *Surrey*, of the yearly Value of about One hundred Pounds, and alſo a Piece of Ground near to the Church Yard of the ſaid Church, which was much wanted for the Burial of the Dead: And whereas the ſaid Truſtees have, by laying out the yearly Produce of the ſaid Truſt Eſtate from time to time at Intereſt, and by Sale of Stock in the Year One thouſand ſeven hundred and twenty, greatly improved the ſame, and have now in their Hands the Surplus Sum of about Two thouſand five hundred Pounds; and the ſaid Church (of which the ſaid *John Marſhall* was the Founder) is now in a very ruinous Condition, and not capable of being repaired, and the Church Yard ſo very ſmall, that it is ſcarce ſufficient to receive the Dead; your Petitioners are deſirous to lay out the ſaid Sum of Two thouſand five hundred Pounds in rebuilding the ſaid Church, and in making an additional Church Yard thereto; humbly apprehending, that it will be a more neceſſary and greater Benefaction, and better anſwer the Intention of the Founder, than laying the ſame out in the farther Purchaſe of Rectories Impropriate, which is the only Truſt that is not fully performed by the ſaid Truſtees: But in regard the ſame cannot be done without the Aid and Authority of Parliament; **may it therefore pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Truſtees of the Will of the ſaid** John Marſhall **deceaſed, for the time being, to apply the ſaid Sum of Two thouſand five hundred Pounds, now remaining in their Hands (the neceſſary Charges and Expences in obtaining this Act of Parliament being firſt deducted and paid) or ſo much thereof as ſhall be neceſſary, with the old Materials of the preſent Church, and of the Church Yard Wall, for and towards pulling down, rebuilding, and beautifying the ſaid Church, and making the ſame commodious for the Inhabitants of the ſaid Pariſh, and for pulling down and rebuilding of the Church Yard Wall, and incloſing a Piece of Ground lately purchaſed as aforeſaid for an additional Church Yard to the ſaid Church, to make a ſufficient Burial Place for the Reception of the Dead of the ſaid Pariſh.**

Truſtees directed how to diſpoſe of the Monies in their Hands,

and acquitted of the ſame after ſuch Diſpoſal;

II. **And be it further enacted by the Authority aforeſaid, That the Truſtees of the ſaid** John Marſhall **ſhall, from and after the laying out the ſaid Sum of Two thouſand five hundred Pounds, or ſo much thereof as ſhall be neceſſary for the Purpoſes aforeſaid, be from thenceforth acquitted and diſcharged of all ſuch Sum and Sums of Money ſo laid out, and from any other Application of ſuch Truſt Money.**

but accountable for the Surplus, if there remain any.

III. **Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That in caſe there ſhall be any Part of the ſaid Two thouſand five hundred Pounds remaining in the Hands of the ſaid Truſtees, after the ſaid Church ſhall be rebuilt, beautified, and made commodious for the Reception of the Inhabitants of the ſaid Pariſh, and after the pulling down and rebuilding the Church Yard Wall, and incloſing the ſaid Piece of Ground for an additional Church Yard as aforeſaid; ſuch Sum, together with the growing Profits of the ſaid Truſt Eſtate, ſhall be applied according to the Directions of the Will of the ſaid** John Marſhall.

Limitation of Time for rebuilding the Church, &c.

IV. **And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees for the time being, or the major Part of them, ſhall cauſe the ſaid Church to be rebuilt, beautified, and made commodious for the Inhabitants of the ſaid Pariſh; and the Church Yard Wall to be rebuilt, and the ſaid Piece of Ground to be incloſed within the Space of Three Years, to be computed from the Twenty fifth Day of** December, **One thouſand ſeven hundred and thirty eight; and the ſaid Truſtees, or the major Part of them, ſhall and are hereby required within Six Kalendar Months after the Expiration of the ſaid Three Years, to give in a true and exact Account of the Money ſo to be laid out, upon Oath, to the Juſtices of the Peace aſſembled at the General Quarter Seſſions for the ſaid County; which Oath the ſaid Juſtices, or any Three or more of them, are hereby impowered to adminiſter.**

Truſtees to account upon Oath.

Proviſo.

V. **Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to abridge or prejudice the Rights, Liberties, and Privileges, excepted and reſerved to** William Angell, **his Heirs, and Aſſigns, in and by a certain Indenture, bearing Date the Firſt Day of** April, **One thouſand ſix hundred and ſeventy, made by the ſaid** William Angell **unto the Truſtees under the Will of the ſaid** John Marſhall, **therein particularly named.**

CAP. XXII.

CAP. XXII.

An Act for puniſhing ſuch Perſons as ſhall do Injuries and Violences to the Perſons or Properties of His Majeſty's Subjects with Intent to hinder the Exportation of Corn.

WHEREAS many diſorderly and evil-minded Perſons have of late frequently aſſembled themſelves in great Numbers, and committed great Violences, and done many Injuries to the Perſons and Properties of His Majeſty's Subjects, with Intent to hinder the Exportation of Corn, whereby many of His Majeſty's Subjects have been deterred from buying of Corn and Grain, and following their lawful Buſineſs therein, to their great Loſs and Damage, as well as the great Damage and Prejudice of the Farmers and Landholders of this Kingdom, and of the Nation in general; for the better preventing ſuch wicked and diſorderly Practices, and more eaſily and effectually bringing ſuch Offenders to condign Puniſhment, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall from and after the Four and twentieth Day of June, One thouſand ſeven hundred and thirty eight, wilfully and maliciouſly beat, wound, or uſe any other Violence to or upon any Perſon or Perſons, with Intent to deter or hinder him or them from buying of Corn or Grain in any Market or other Place within this Kingdom; or ſhall unlawfully ſtop or ſeize upon any Waggon, Cart, or other Carriage, or Horſe, loaded with Wheat, Flour, Meal, Malt, or other Grain, in or on the Way to or from any City, Market Town, or Sea Port of this Kingdom, and wilfully and maliciouſly break, cut, ſeparate, or deſtroy the ſame, or any Part thereof, or the Harneſs of the Horſes drawing the ſame; or ſhall unlawfully take off, drive away, kill, or wound any of ſuch Horſes, or unlawfully beat or wound the Driver or Drivers of ſuch Waggon, Cart, or other Carriage, or Horſe, ſo loaded, in order to ſtop the ſame; or ſhall, by cutting of the Sacks, or otherwiſe, ſcatter or throw abroad ſuch Wheat, Flour, Meal, Malt, or other Grain, or ſhall take and carry away, ſpoil, or damage the ſame, or any Part thereof; every and all ſuch Perſon and Perſons being thereof lawfully convicted before any Two or more Juſtices of the Peace of the County, Shire, Stewartry, Riding, Diviſion, Town, or Place Corporate, wherein ſuch Offence or Offences ſhall be committed, or before the Juſtices of the Peace in open Seſſions (who are hereby authorized and impowered ſummarily and finally to hear and determine the ſame) ſhall be ſent to the Common Gaol, or to the Houſe of Correction, there to continue and be kept to hard Labour for any Time not exceeding the Space of Three Months, nor leſs than One Month; and ſhall by the ſame Juſtices be alſo ordered to be once publickly and openly whipped by the Maſter or Keeper of ſuch Gaol, or Houſe of Correction, in ſuch City, Market Town, or Sea Port, in or near to which ſuch Offence ſhall be committed, on the firſt convenient Market Day, at the Market Croſs or Market Place there, between the Hours of Eleven and Two of the Clock.

Preamble.

Perſons uſing Violence to hinder the Purchaſe or Carriage of Corn,

to be impriſoned,

and publickly whipped.

II. And be it further enacted by the Authority aforeſaid, That if any ſuch Perſon or Perſons ſo convicted ſhall commit any of the Offences aforeſaid a ſecond time; or if from and after the ſaid Four and twentieth Day of June, One thouſand ſeven hundred and thirty eight, any Perſon or Perſons ſhall wilfully and maliciouſly pull, throw down, or otherwiſe deſtroy any Storehouſe or Granary, or other Place where Corn ſhall be then kept in order to be exported; or ſhall unlawfully enter any ſuch Storehouſe, Granary, or other Place, and take and carry away any Corn, Flour, Meal, or Grain therefrom, or ſhall throw abroad or ſpoil the ſame, or any Part thereof; or ſhall unlawfully enter on Board any Ship, Barge, Boat, or Veſſel, and ſhall wilfully and maliciouſly take and carry away, caſt, or throw out therefrom, or otherwiſe ſpoil or damage, any Meal, Flour, Wheat, or Grain therein intended for Exportation; every Perſon ſo offending, and being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall be tranſported for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm; and if any ſuch Offender ſo tranſported ſhall return into this Kingdom before the Expiration of the ſaid Seven Years, he or ſhe ſhall ſuffer Death as a Felon without Benefit of Clergy.

Committing the like Offences a ſecond time,

deſtroying Granaries or the Corn therein,

or in Veſſels, &c.

Felony.

III. Provided always, That no Attainder for any Offence made Felony by virtue of this Act ſhall make or work any Corruption of Blood, Loſs of Dower, or Diſinheritance of Heir or Heirs.

Proviſoes.

IV. Provided alſo, That no Perſon who ſhall be puniſhed for any Offence by virtue of this Act ſhall be puniſhed for the ſame Offence by virtue of any other Law or Statute whatſoever.

V. And be it further enacted by the Authority aforeſaid, That from and after the Four and twentieth Day of June, One thouſand ſeven hundred and thirty eight, the Inhabitants of every Hundred in that Part of Great Britain called England, wherein any ſuch Offence as aforeſaid ſhall be committed, ſhall make full Satisfaction and Amends to all and every the Perſon and Perſons, their Executors, and Adminiſtrators, for the Damages they ſhall have ſuſtained, or ſuffered by any Injury or Violence done to their Properties by any Offender or Offenders againſt this Act; and that every Perſon and Perſons, who ſhall ſuſtain Damages in their Properties by any of the ſaid Offences, ſhall and are hereby enabled to ſue for and recover ſuch his or their Damages (the Sum to be recovered not exceeding One hundred Pounds) againſt the ſaid Hundred, who by this Act ſhall be made liable to anſwer all or any Part thereof; ſuch Damages to be ſued for, levied, and raiſed, in ſuch Manner and Form, and by and under the like Methods and Directions, as are preſcribed and mentioned in Caſes of Actions for Robberies on the Highway, in and by an Act made in the Seven and twentieth Year of the Reign of Queen Elizabeth, intituled, An Act for the following Hue and Cry, and by one other Act made in the Eighth Year of the Reign of His preſent Majeſty, intituled, An Act for the Amendment of the Laws relating to the Actions on the Statute of Hue and Cry, except ſo much thereof as relates to giving, leaving, or publiſhing

Satisfaction for ſuch Damages recoverable from the Hundred,

(not exceeding 100 l.)

as in Caſes of Robbery.

Notice, or making freſh Suit and Hue and Cry, or any other Matter otherwiſe provided for by this Act.

But Notice is to be given within 2 Days after the Fact to a Conſtable;

VI. Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be enabled to recover any Damages by virtue of this Act, unleſs he or they by themſelves or by their Servants within Two Days after ſuch Damage or Injury done him or them by any ſuch Offender or Offenders as aforeſaid, ſhall give Notice of ſuch Offence done and committed to one of the Conſtables of the Hundred, or to the Conſtable, Borſholder, Headborough, or Tythingman of the Town, Pariſh, Village, Hamlet, or Tything, in or near which ſuch Fact ſhall be committed; and ſhall within Ten Days after ſuch Notice give in his or their Examinations upon Oath, or the Examination upon Oath of his or their Servants being preſent at the Time of the Fact being committed, or having the Care of ſuch his or their Properties, to which ſuch Damage or Injury ſhall be done, before any Juſtice of the Peace of the County, Liberty, or Diviſion, where ſuch Fact ſhall be committed, whether he or they do know the Perſon or Perſons that committed ſuch Fact, or any of them; and if upon ſuch Examination it be confeſſed, that he or they do know the Perſon or Perſons that committed the ſaid Fact, or any of them, that then he or they ſo confeſſing ſhall be bound by Recognizance to proſecute ſuch Offender or Offenders according to this Act, or otherwiſe according to the Laws of the Realm.

and Examination upon Oath within 10 Days.

If any one of the Offenders be convicted within 12 Months, the Hundred releaſed.

VII. Provided alſo, and be it enacted by the Authority aforeſaid, That where any Offence ſhall be committed againſt this Act, and any of the ſaid Offenders ſhall be apprehended and lawfully convicted of ſuch Offence within the Space of Twelve Months after the Offence committed; no Hundred or Franchiſe therein ſhall in any wiſe be ſubject or liable to make any Satisfaction to the Party or Parties injured for the Damages he or they ſhall have ſuſtained; any thing in this Act to the contrary notwithſtanding.

Actions not to be brought againſt Hundreds under 1, or after 2 Years.

VIII. Provided alſo, That no Perſon who ſhall ſuſtain any Damage by reaſon of any Offence to be committed by any Offender contrary to this Act, ſhall be enabled hereby to ſue or bring any Action againſt any Hundred where ſuch Offence ſhall be committed, till after the Expiration of one Year; nor unleſs the Party or Parties ſuſtaining ſuch Damage, ſhall commence his, her, or their Action or Suit within Two Years next after the Offence ſhall be committed.

CAP. XXIII.

An Act to explain and amend an Act paſſed in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for rebuilding the Pariſh Church of Saint* Leonard Shoreditch *in the County of* Middleſex.

Preamble reciting the Act 8 *Geor.* II. *cap.* 27.

WHEREAS by an Act of Parliament made and paſſed in the Eighth Year of the Reign of His preſent Majeſty, intituled, *An Act for the rebuilding the Pariſh Church of Saint* Leonard Shoreditch *in the County of* Middleſex, it is amongſt other Things enacted, That the ſeveral Funeral Rates and Duties mentioned and ſpecified in a certain Indenture, bearing Date the Eighth Day of *April*, in the Year of our Lord One thouſand ſeven hundred thirty and five, made between the Vicar of the ſaid Pariſh of the one Part, and the Church-wardens and Overſeers of the Poor of the ſaid Pariſh of the other Part, then intended to be inrolled in the High Court of Chancery, ſhould be collected, levied, and paid in the ſaid Pariſh, and be veſted in the Truſtees by the ſaid Act appointed, to and for the ſeveral Uſes and Purpoſes therein expreſſed; which Indenture hath been ſince inrolled: And whereas the ſaid recited Act has been or may be conſtrued to extend to the Funeral Rates, Fees, or Duties claimed by the Vicar, Clerk, and Sexton of the ſaid Pariſh, ſuch Fees, Rates, or Duties ſo claimed by them being inſerted in ſuch Indenture, which it was not their Intention ſhould be applied to the Purpoſes of that Act; may it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That nothing in the ſaid Act of Parliament, or the ſaid recited Indenture contained, ſhall any way extend, or be conſtrued to extend, to veſt in the ſaid Truſtees, or appropriate to the Uſes aforeſaid, all or any of the ancient Fees and Duties which the Vicar, Pariſh Clerk, and Sexton of the ſaid Pariſh for the Time being, or any of them, or their or any of their Predeceſſors, have reſpectively Time out of Mind rightfully received and enjoyed for and on Account of Burials or otherwiſe; but that they and their Succeſſors ſhall and may have and enjoy the ſame reſpectively, as if the ſaid Act of Parliament had never been made.

The Act 8 *G.* II. not to affect the Vicar, Clerk, or Sexton's Fees.

The Indenture to be good as far as relates thereto.

II. And be it further enacted by the Authority aforeſaid, That the ſaid Indenture ſhall be abſolutely null and void, ſo far as the ſame relates to any of the Funeral or other Fees, Rates, or Duties belonging to or claimed by the ſaid Vicar, Pariſh Clerk, or Sexton; nor ſhall they or any of them have any other Remedy for the Recovery thereof, than they or any of them by Law had before the paſſing of the ſaid Act; any thing in the ſaid former Act contained to the contrary thereof in any wiſe notwithſtanding.

A Clauſe of the ſaid Act repealed.

III. And whereas by a Clauſe in the before recited Act it is enacted, That for every Perſon who ſhall die within the ſaid Pariſh of Saint *Leonard Shoreditch*, and be buried in any Church, Church Yard or other Ground or Burial Place, not belonging to the ſaid Church, there ſhall be paid for the Uſe and Benefit of the ſaid Pariſh, and for the Purpoſes of the ſaid Act, ſuch and the ſame Rates and Duties, as if ſuch Perſon had been actually buried in the ſame Pariſh; be it therefore further enacted by the Authority aforeſaid, That the ſaid Clauſe, and all and every Matter and Thing contained in the ſaid recited Act relating thereto, ſhall be hereby abſolutely repealed, annulled, and made void; and that nothing in the ſaid Act contained ſhall extend, or be conſtrued to extend, to charge any Funeral Rate or Rates, Duty or Duties whatſoever, to be paid for any Perſon who ſhall die in the ſaid Pariſh and ſhall not be buried in the ſaid Church, Church Yard, or Burial Ground belonging to the ſaid Pariſh-Church of Saint Leonard Shoreditch; any thing in the ſaid recited Act contained to the contrary thereof in any wiſe notwithſtanding.

Contracts of Landlords and Tenants not altered.

IV. Provided, That nothing in this or the ſaid recited Act contained ſhall be conſtrued to alter, change, determine, or made void any Contracts, Covenants, or Agreements, whatſoever between Landlord or Tenant, touching the Payment of Taxes and Aſſeſſments within the ſaid Pariſh of Saint Leonard Shoreditch; any thing herein before or in the ſaid recited Act contained to the contrary notwithſtanding.

CAP. XXIV.

CAP. XXIV.

An Act to amend an Act passed in the Twelfth and Thirteenth Year of the Reign of King *William* the Third, intituled, *An Act for preventing any Inconveniencies that may happen by Privilege of Parliament.*

Preamble, reciting the Act 12 & 13 *W.* III. c. 3.

WHEREAS for the preventing all Delays the King or His Subjects may receive in any of His Courts of Law or Equity, and for their Ease in the Recovery of their Rights and Titles to any Lands, Tenements, or Hereditaments, and their Debts, or other Dues, for which they have Cause of Suit or Action, an Act was made in the Twelfth and Thirteenth Year of the Reign of King *William* the Third, intituled, *An Act for preventing any Inconveniencies that may happen by Privilege of Parliament*; whereby nevertheless the Privilege of Parliaments is restrained only in Actions or Suits commenced or prosecuted in the Courts, and for the Causes, therein particularly mentioned: And whereas great Inconveniencies may happen to His Majesty, and His Subjects, with Respect to their Rights and Titles to Lands, Tenements, or Hereditaments, and their Debts, or other Dues, for which they have Cause of Suit or Action, if the Privilege of Parliament be not restrained upon Actions or Suits commenced or prosecuted in other Courts within *Great Britain* and *Ireland*; for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of June, One thousand seven hundred and thirty eight, any Person and Persons shall and may commence and prosecute in Great Britain or Ireland any Action or Suit in any Court of Record, or Court of Equity, or of Admiralty, and in all Causes Matrimonial and Testamentary in any Court, having Cognizance of Causes Matrimonial and Testamentary, against any Peer or Lord of Parliament of Great Britain, or against any of the Knights, Citizens, and Burgesses of the House of Commons of Great Britain for the time being, or against their or any of their menial or other Servants, or any other Person intitled to the Privilege of the Parliament of Great Britain, at any time from and immediately after the Dissolution or Prorogation of any Parliament, until a new Parliament shall meet, or the same be reassembled, and from and immediately after any Adjournment of both Houses of Parliament for above the Space of Fourteen Days, until both Houses shall meet or re-assemble; and that the said respective Courts shall and may after such Dissolution, Prorogation, or Adjournment, as aforesaid, proceed to give Judgement, and to make final Orders, Decrees, and Sentences, and award Execution thereupon; any Privilege of Parliament to the contrary notwithstanding.

Persons may prosecute Actions against Members of Parliament, in the Intervals of Session.

II. Provided nevertheless, That this Act shall not extend to subject the Person of any of the Knights, Citizens, and Burgesses of the House of Commons of Great Britain, or any other Person intitled to Privilege of Parliament, to be arrested during the Time of Privilege; nevertheless it shall and may be lawful to and for any of the Courts of Great Sessions in Wales, Courts of Session in the Counties Palatine of Chester, Lancaster, and Durham, Courts of King's Bench, Common Pleas, and Exchequer in Ireland, after any Dissolution, Prorogation, or such Adjournment as aforesaid, or before any Session of Parliament, or Meeting of both Houses, as aforesaid, to have and use such and the like Methods of Proceeding, and to issue such and the like Process against any such Peer or Lord of Parliament, or against any of the said Knights, Citizens, and Burgesses, or other Persons intitled to the Privilege of the Parliament of Great Britain, as the Courts of King's Bench, Common Pleas, and Exchequer in England, are by the said recited Act impowered and directed to use and issue respectively; and that it shall and may be lawful to and for the Court of Chancery of Ireland, and the Court of Equity in the Exchequer there, to have and use such and the like Methods of Proceeding, and to issue such and the like Process within the Times and against the Persons aforesaid, as the High Court of Chancery of Great Britain, and the Court of Exchequer in England, are by the said recited Act respectively directed and impowered to use and issue; and that it shall and may be lawful to and for any of the other Courts herein before described, the Process whereof is not particularly directed by the said recited Act, or by this Act, after any Dissolution, Prorogation, or such Adjournment as aforesaid, or before any Session of Parliament, or Meeting of both Houses as aforesaid, to issue such and the like Process against any such Peer or Lord of Parliament, or against any of the said Knights, Citizens, or Burgesses, or other Person intitled to the Privilege of Parliament, as such Courts may now lawfully issue against Persons not liable to be arrested or imprisoned.

Members not liable to be arrested during Privilege.

The Courts of Great Sessions in *Wales*, and Sessions in Counties Palatine, to proceed against Members, as the Courts at *Westminster*.

III. And be it enacted by the Authority aforesaid, That where any Plaintiff shall by Reason or Occasion of Privilege of Parliament be stayed or prevented from prosecuting any Suit by him commenced; such Plaintiff shall not be barred by any Statute of Limitation, or nonsuited, dismissed, nor his Suit discontinued for want of Prosecution of the Suit by him begun; but shall from time to time upon the Rising of the Parliament be at Liberty to proceed to Judgement and Execution.

Plaintiffs not barred or nonsuited,

IV. And it is hereby enacted, That no Action, Suit, Process, Order, Judgement, Decree, or Proceeding in Law or Equity against the King's original and immediate Debtor, for the Recovery or obtaining of any Debt or Duty originally and immediately due or payable unto His Majesty, His Heirs, or Successors, or against any Accountant, or Person answerable or liable to render any Account unto His Majesty, His Heirs, or Successors, for any Part or Branch of any of his or their Revenues, or other original and immediate Debt or Duty; or the Execution of any such Process, Order, Judgement, Decree, or Proceedings, shall be impeached, stayed, or delayed in any Court in Great Britain or Ireland, by or under the Colour or Pretence of any Privilege of the Parliament of Great Britain; yet so nevertheless, that the Person of any such Debtor or Accountant, or Person answerable or liable to account, being a Peer or Lord of Parliament of Great Britain, shall not be liable to be arrested or imprisoned by or upon any such Suit, Order, Judgement, Decree, Process, or Proceedings; or being a Member of the House of Commons of Great Britain, shall not, during the Continuance of the Privilege of Parliament, be arrested or imprisoned by or upon any such Order, Judgement, Decree, Process, or Proceedings.

nor Process against the King's Debtor to be stayed, by Privilege of Parliament;

but the Persons not to be arrested.

Proviſo. V. Provided nevertheleſs, That neither this Act, nor any thing therein contained, ſhall extend to give any Juriſdiction, Power, or Authority to any Court, to hold Plea in any real or mixt Action, in any other Manner than ſuch Court might have done before the making this Act.

CAP. XXV.

An Act for building a Bridge croſs the River *Thames* from the *Woolſtaple*, or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*

Preamble, reciting the Act 10 *Geo.* II. *c.* 16.

WHEREAS by an Act of Parliament made and paſſed in the Tenth Year of the Reign of His preſent Majeſty, intituled, *An Act for explaining and amending an Act paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled*, An Act for building a Bridge croſs the River of *Thames*, from the *New Palace-Yard* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*; it was enacted, That it ſhould and might be lawful to and for the Commiſſioners thereby appointed and continued, and the Survivors or any Nine or more of them, to direct or cauſe to be built the Bridge intended to be provided for by the ſaid Act, croſs the River *Thames*, either from the *New Palace-Yard* aforeſaid, or from the *Horſe-ferry*, or thereabouts, in the Pariſh of Saint *John the Evangeliſt* in the ſaid City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*: And whereas ſince the paſſing the ſaid recited Act, ſeveral Doubts and Difficulties have ariſen about fixing the Place where the ſaid intended Bridge ſhould be built; **now for preventing any farther Doubts and Difficulties concerning the ſame, and that the ſaid intended Bridge may be erected and built where the ſame may be moſt advantageous to the Trade of the City and Liberty of** Weſtminſter, **and moſt commodious to the Inhabitants thereof; may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid intended Bridge ſhall be erected and built from the** Woolſtaple, **or thereabouts, in the Pariſh of Saint** Margaret **in the ſaid City of** Weſtminſter, **to the oppoſite Shore in the County of** Surrey, **of ſuch Materials as the ſaid Commiſſioners, or any Nine or more of them, ſhall from henceforth think fit; and that it ſhall and may be lawful to and for the Commiſſioners appointed by the ſaid former Acts, and the Survivors or any Nine or more of them, to direct or cauſe to be built the ſaid intended Bridge from the** Woolſtaple, **or thereabouts, to the oppoſite Shore; any thing in the ſaid former Acts, or either of them, to the contrary thereof contained notwithſtanding.**

The Bridge to be built from the *Woolſtaple*, of what Materials the Commiſſioners ſhall think fit.

Former Acts in Force. II. **And it is hereby further enacted by the Authority aforeſaid, That all Powers, Authorities, Clauſes, Proviſions, Matters, and Things contained in the ſaid former Acts now in Force, and not hereby varied, or otherwiſe explained, ſhall remain, continue, and be in full Force, and be applied to the Purpoſes of this Act, as amply and effectually as if the ſame were hereby re-enacted.**

III. And whereas by an Act of Parliament paſſed in the Tenth Year of His Majeſty's Reign, intituled, *An Act for explaining and amending an Act paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled*, An Act for Building a Bridge croſs the River *Thames*, from the *New Palace-Yard* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*; it is declared and enacted, That the Reſidue of the Money ariſing, and to be contributed by virtue of and upon the Credit of the ſaid Act, which after Payment of the Sum or Sums of Money thereby directed to be iſſued to the Proprietors of the Tickets in the ſaid Lottery, and other the Allowances to be made purſuant to the ſaid Act, and the Payment of the Salaries and Rewards to the ſaid Managers and Directors, and the Clerks, Agents, and Officers employed by them, and other the incident Charges and Expences attending the Paſſing and Execution of the ſaid Act, ſhould then remain, ſhould be paid into the Hands of ſuch Treaſurer or Treaſurers as ſhould be appointed under the Hands and Seals of the ſaid Commiſſioners, or any Nine or more of them, purſuant to the ſaid Act, at ſuch Time, and by ſuch Sums, as the ſaid Commiſſioners or any Nine or more of them ſhould from time to time direct and appoint (ſuch Treaſurer or Treaſurers firſt giving Security to the ſaid Commiſſioners, or any Nine or more of them, for the due Application of the ſaid Money, and accounting for the ſame) and ſhould be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preſerving, and ſupporting the ſame, and making and widening the Paſſages and Ways thereto from time to time, and the purchaſing ſuch Houſes and Grounds as aforeſaid, in ſuch Manner, and at ſuch Times, as the ſaid Commiſſioners, or any Nine or more of them, ſhould from time to time direct: **Now to the Intent that the Reſidue of the ſaid Money remaining as aforeſaid may be put out and lent for the publick Benefit and Advantage, it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall and may and are hereby impowered from time to time to lend the ſaid Money, or any Part thereof, at the Receipt of His Majeſty's Exchequer, upon the Credit of the Land-tax, or Duties upon Malt, Rum, Cyder, and Perry, granted to His Majeſty in this Seſſion of Parliament, for the Service of the Year One thouſand ſeven hundred and thirty eight, or upon any other publick Security or Securities whatſoever; and that the Intereſt and Profit ariſing therefrom, as well as the principal Money to be lent as aforeſaid, ſhall be appropriated and applied by the ſaid Commiſſioners, or any Nine or more of them, to the ſame Uſes and Purpoſes as the ſaid Reſidue Money is directed to be appropriated and applied by the before recited Act of the Tenth Year of His Majeſty's Reign; any thing in the ſaid Act to the contrary notwithſtanding.**

Reſidue of the Monies to be lent out upon any publick Security.

IV. And whereas the Commiſſioners for building the ſaid Bridge, or any Nine or more of them, are by the ſaid afore mentioned Acts impowered to agree with the Owners and Occupiers of Ground, and of ſuch Houſes as they or any Nine or more of them ſhall judge fit to be removed, rebuilt, or pulled down, and to purchaſe the ſame for the better and more effectual widening and rendering more commodious the ſeveral Ways, Streets, and Paſſages on each Side the River *Thames*, to and from the ſaid Bridge: And whereas by reaſon of ſuch Purchaſes as aforeſaid the Commiſſioners may be poſſeſſed of ſome Piece or Pieces of Ground over and above what may be neceſſary for the opening and widening of Ways, Streets, and Paſſages, to

and

and from the said Bridge; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to lett, sell, or dispose of such Piece or Pieces of Ground, either together or in Parcels as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract, agree for, or purchase the same; and to design, assign, and lay out in what Manner the new Houses to be built thereupon shall be erected and built, and of what Breadth and Extent the said Streets and Passages shall be; and also to sell and dispose of the Materials of such House or Houses as the said Commissioners shall purchase, and cause to be pulled down as aforesaid.

Grounds purcha'ed by the Commissioners more than necessary, to be disposed of to the best Advantage;

V. Provided always, That the Monies arising by the Sale or letting of such Grounds, and selling the Materials of the Houses to be purchased and pulled down, shall be employed towards erecting and building the said intended Bridge, and preserving and repairing the same when built, or to paving, lighting, and watching the said Bridge, and to other the Purposes of the said aforementioned Acts, and to no other Use, Intent, or Purpose whatsoever.

and the Monies to be employed about the Bridge.

VI. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall deliver into each House of Parliament, once in every Year, within Twenty Days after the Opening of the Session, a full and true Account of all their Proceedings.

Commissioners to account yearly.

VII. And be it further enacted by the Authority aforesaid, That the Charges of passing this present Act shall, as soon as may be, be paid out of the Money raised by virtue of the Act passed in the aforesaid Tenth Year of His Majesty's Reign.

Charges of this Act how to be paid.

VIII. And it is hereby further enacted and declared, That this Act shall be deemed and allowed to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

Publick Act.

CAP. XXVI.

An Act for enforcing the Execution of an Act made in the Ninth Year of His present Majesty's Reign, intituled, *An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof.*

Preamble reciting the Act 9 *Geo.* II. *c.* 23.

WHEREAS notwithstanding the several Provisions made for restraining the frequent and pernicious Use of Spirituous Liquors or Strong Waters, by an Act made in the Ninth Year of His present Majesty's Reign, intituled, *An Act for laying a Duty on Retalers of Spirituous Liquors, and for licensing the Retalers thereof*; and also by an Act made in the Tenth Year of His said Majesty's Reign, for explaining and enforcing the Execution of the said first mentioned Act; the drinking of Spirituous Liquors is yet too common, especially among Persons of low Rank: And whereas such Persons as sell or expose to sale any Spirituous Liquors or Strong Waters, unmixed, or mixed with themselves, or any other Ingredients, contrary to the said Act, *for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof*, are chiefly Persons of little or no Substance: And whereas, in order to elude the said first mentioned Act, by preventing the Discovery of the Offenders against the same, and thereby evading the Penalty to be inflicted on such Offenders, several Persons in a clandestine Manner retale such Spirituous Liquors or some of them without any License, or in some Place or Places not in the said Act mentioned or allowed, and the Person or Persons so selling the same are not seen, but are hid behind some Wainscot, Curtain, Partition, or are otherwise concealed; for Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, in the Year One thousand seven hundred and thirty eight, if any less Quantity or Quantities than Two Gallons of Spirituous Liquors, or Strong Waters, mixed or unmixed, as aforesaid, shall be sold, uttered, or delivered, contrary to the true Intent and Meaning of the said first mentioned Act, in any private and clandestine Manner as aforesaid, to any Person or Persons, in any House, Out-house, Stable, Barn, or Shed, or in any other Place Part of or belonging or appertaining to any House or Farm; then and in such Case the Occupier of such House, Farm, or Part of any House, or Farm, or other Place, where such Spirituous Liquors shall be sold, if but one Occupier only, and if more than one then the several Occupiers thereof, being privy or consenting thereto, shall be, and he, she, or they are hereby declared to be deemed the Retaler or Retalers of such Spirituous Liquors; and as such he, she, or they shall forfeit and lose the Sum of One hundred Pounds for every such Offence; such Penalty to be recovered and applied in such Manner as the One hundred Pounds Penalty for each Offence inflicted on any Person or Persons who shall presume or offer to sell or retale any of the said Spirituous Liquors in a less Quantity than by the said Act is directed, without taking out a Licence and renewing the same yearly, as by the said Act is directed to be recovered and applied.

10 *Geo.* II. *cap.* 19.

Occupiers of Houses, &c. wherein Spirituous Liquors are sold contrary to the Act 9 *Geo.* II. to be deemed Retalers.

II. And whereas in open Defiance of the Laws of this Realm, and to prevent the before mentioned Acts from taking Effect, and to deter Persons from assisting in putting the said Laws in Execution, divers wicked, lawless, turbulent, and disorderly Persons have assembled themselves at divers times to rescue Offenders against the said Laws, and to insult and abuse those who have been concerned in bringing them to Justice, and have in a most wicked and cruel Manner assaulted, beat, wounded, and almost murdered several Officers and other Persons, who in pursuance of the said first recited Act either had given or were about to give Informations before His Majesty's Justices of the Peace against such Offenders; be it enacted by the Authority aforesaid, That if any Persons to the Number of Five or more shall from and after the said Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty eight, in a tumultuous and riotous Manner, assemble themselves to rescue any Offender or Offenders against the said first mentioned Act, or to assault, beat, or wound any Person or Persons who shall have given, or be about to give, any Information or Evidence against, or shall have discovered or given Evidence against, or be about to discover or give Evidence against, seize, or bring to Justice, any Person or Persons offending against the said first mentioned Act; that then all and every Person or Persons

Rescuing Offenders against the said Act, or assaulting Informers, Felony.

so assembling themselves, and their Aiders and Abettors, being thereof lawfully convicted, shall be, and be adjudged to be, guilty of Felony; and every such Felon and Felons shall be subject and liable to the like Pains and Penalties as in Cases of Felons; and the Courts by and before whom he, she, or they shall be convicted, shall have full Power and Authority of transporting such Felon and Felons for the Space of Seven Years to any of His Majesty's Colonies or Plantations in America, upon the like Terms and Conditions as are given, directed, and enacted by an Act made in the Fourth Year of the Reign of His late Majesty King George the First, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exportation of Wooll; and by an Act made in the Sixth Year of the Reign of His said late Majesty King George the First, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons.

4 *Geor.* I. *cap.* 11.

6 *Geor.* I. *cap.* 23.

Actions brought in any inferior Court for any thing done in pursuance of this Act, &c. removable to Courts at *Westminster*.

III. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought and prosecuted by any Person or Persons in any inferior or other Court than in His Majesty's Courts of Record at Westminster, or the Court of Great Sessions in Wales, or the Courts of Session in Counties Palatine, against any Justice of the Peace, or other Person or Persons employed in the Execution of this Act, or of the said Acts made in the Ninth and in the Tenth Years of His present Majesty's Reign, or either of them, for any Matter, Cause, or Thing by him or them done, committed, or executed by Virtue or Reason of this Act, or of the said Acts, or any or either of them, or of any Clause or Article therein contained; it shall and may be lawful to and for the Defendant or Defendants in such Action or Suit, upon his, her, or their making Affidavit, that he, she, or they intend to insist in his, her, or their Defence to such Action or Suit upon this Act, or the said Acts, or one of them, to remove such Action or Suit into any of His Majesty's Courts of Record at Westminster; so that the Writ or Writs for removing the same be delivered to the Steward, Judge, or proper Officer of the said inferior or other Court, before Issue joined in the said Action or Suit; and such Defendant or Defendants may plead the General Issue, and give this Act, and the said Acts, or any of them, and the special Matter in Evidence at the Trial, and that the same was done in pursuance and by Authority of this Act, or of the said Acts, or any or either of them; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his or her Action, after the Defendant shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant and Defendants shall and may recover treble Costs, and have the like Remedy for the same, as Defendants have in other Cases at Law.

Defendant may plead the General Issue, &c.

IV. And whereas some Doubts have arisen, whether a Justice or Justices of the Peace, on any Information exhibited to him or them of or for any Offence or Offences against the said first mentioned Act, may grant his or their Warrant or Warrants for apprehending and bringing before him or them the Person or Persons, against whom such Information is made, unless and until such Person or Persons hath or have been duly summoned to appear before such Justice or Justices; and it is found by Experience, that the summoning such Offenders against the said first mentioned Act is attended with great Inconveniencies, by giving them an Opportunity to abscond from Justice; such Offenders being generally Persons of little or no Substance, and often having no settled Habitation; be it therefore declared and enacted by the Authority aforesaid, That it is and shall be lawful for One or more Justice or Justices of the Peace, on any Information upon Oath made before him or them against any Person or Persons for hawking, selling, or exposing to sale any Spirituous Liquors or Strong Waters contrary to the said first mentioned Act, to issue his or their Warrant or Warrants under his or their respective Hands and Seals, to be directed to any Constable, or other Ministerial Officer of the Peace, for the apprehending and bringing such Offender or Offenders before some Justice or Justices of the Peace for the County or Place wherein such Offence or Offences was or were committed, in order to such Offender or Offenders being by such Justice or Justices dealt with according to Law.

Justices may without Summons issue their Warrants for Offenders.

V. And whereas in and by a Clause in the said first mentioned Act it is enacted, That from and after the said Twenty ninth Day of *September*, One thousand seven hundred and thirty six, no Person or Persons shall hawk, sell, or expose to sale any Brandy, Spirituous Liquors, or Strong Waters, by whatsoever Name or Names they are or may be called or distinguished, about the Streets, Highways, or Fields in any Wheelbarrow or Basket, or upon the Water in any Ship, Boat, or Vessel, or in any other Manner whatsoever, or shall sell or expose the same to sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, other than in such Place and Places as are in the said Act before mentioned and allowed, upon Pain of forfeiting for every such Offence the Sum of Ten Pounds; and it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the County, Riding, Division, City, or Liberty respectively, wherein such Offence shall be committed, on his or their own View, or on Confession of the Party, or by Proof on the Oath of One or more credible Witness or Witnesses made of such Offence, to convict any Person or Persons so offending, as aforesaid; and such Person and Persons, so offending and convicted, shall immediately on such Conviction pay the Sum of Ten Pounds into the Hands of the Churchwardens and Overseers of the Poor of the Parish where such Offence shall be committed, or One of them; and on such Offender or Offenders refusing or neglecting to pay the said Sum, the Justice or Justices so convicting as aforesaid shall and may by Warrant or Warrants under his and their Hand and Seal, or Hands and Seals, commit the Offender or Offenders to the House of Correction for the said County, City, or Liberty respectively, there to remain and be kept to hard Labour for the Space of Two Months, to be reckoned from the Day of the said Commitment; and the Person or Persons so committed shall not be discharged, until he, she, or they shall have paid the Sum of Ten Pounds, or until the full Expiration of the said Two Months; and every Sum or Sums of Money arising from the Conviction of any Person or Persons as aforesaid (in case there be no Informer) shall be employed to the Use of the Poor of the Parish wherein the Offence was committed; but if there shall be an Informer, One Moiety of such Money shall be paid to the Informer, and the other Moiety shall be paid to the Overseers and Churchwardens as aforesaid, or One of them, and applied to the Use of the Poor of the Parish as aforesaid: And whereas in and by a Clause of the

the before mentioned Act of Parliament made in the Tenth Year of His ſaid Majeſty's Reign, reciting the ſaid laſt recited Clauſe of the ſaid Act made in the Ninth Year of His ſaid Majeſty's Reign; and alſo reciting that ſuch Perſons as are willing and deſirous of putting the ſaid ſalutary Law in Execution have not the Encouragement which is due to them, and which they juſtly deſerve, where the Perſons incurring the pecuniary Penalties of the ſaid Act are not able to pay the ſame, but in lieu thereof are ſent to the Houſe of Correction as by the ſaid Act is directed; for Remedy whereof, it is enacted, That from and after the Twenty fourth Day of *June*, One thouſand ſeven hundred and thirty ſeven, in all ſuch Caſes, as aforeſaid, it ſhall and may be lawful for the Commiſſioners of Exciſe in *England* and *Scotland*, reſpectively, to cauſe ſuch Rewards as aforeſaid to be paid to the ſeveral and reſpective Perſons, who ſhall appear to them to be intitled thereto as aforeſaid, out of any Money that ſhall be in their Hands, or any Officer belonging to them, that hath ariſen, or ſhall ariſe, by Virtue of any Penalties or Forfeitures incurred by the ſaid Act as aforeſaid; and the Money ſo paid ſhall be accepted of and allowed in their Accounts as ſo much Money paid to His Majeſty, and the Commiſſioners are thereby diſcharged thereof accordingly; and every Offender convicted as aforeſaid, and upon his or her Refuſal or Neglect to pay the ſame Penalty of Ten Pounds committed to the Houſe of Correction as aforeſaid, ſhall before his or her Diſcharge be ſtript naked from the Middle upwards, and be whipt until his or her Body be bloody: And whereas for want of a Conſtable, or other Miniſterial Officer of the Peace being at Hand to apprehend ſuch Offender or Offenders, he, ſhe, or they do often eſcape unpuniſhed; **be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, it ſhall and may be lawful for any Perſon or Perſons whatſoever, to ſeize and detain any Perſon or Perſons, who ſhall hawk, ſell, or expoſe to ſale any Brandy, Spirituous Liquors, or Strong Waters, by whatſoever Name or Names they are or may be called or diſtinguiſhed, about the Streets, Highways, or Fields in any Wheelbarrow, or Basket, or upon the Water in any Ship, Boat, or Veſſel, or in any other Manner whatſoever; or ſhall ſell or expoſe the ſame to ſale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, other than in ſuch Place or Places as are in the ſaid firſt mentioned Act allowed in that Behalf, for ſuch reaſonable Time as he, ſhe, or they may give Notice to the Conſtable, Headborough, Tythingman, Churchwarden, Overſeer of the Poor, or ſome other Peace or Pariſh Officer or Officers, who are hereby required to carry ſuch Perſon ſo ſeized and detained before ſome one of His Majeſty's Juſtices of the Peace for the County or Place where ſuch Offence or Offences ſhall be committed; which ſaid Juſtice of the Peace is hereby required to proceed to the Examination of ſuch Perſon ſo ſeized and brought before him for ſuch Offence, in the ſame Manner as if ſuch Perſon ſo ſeized had been brought before him by a Conſtable, or any other Miniſterial Officer of the Peace; and ſuch Perſon ſo ſeized, ſhall, if convicted of ſuch Offence, be liable to the like Penalties, and the like corporal Puniſhments, on his, or her Refuſal or Neglect to pay the ſame, as are in and by the ſaid Acts made in the Ninth and Tenth Years of His preſent Majeſty's Reign, or either of them, for ſuch Offence to be paid or inflicted reſpectively.**

Any Perſon may ſeize Hawkers of Spirituous Liquors, and give Notice to a Conſtable.

VI. **And be it enacted by the Authority aforeſaid, That all ſuch Sum and Sums of Money, as ſhall and may from time to time be paid by any Perſon or Perſons convicted of hawking, ſelling, or expoſing to ſale any Brandy, Spirituous Liquors, or Strong Waters, as aforeſaid, to the Churchwardens or Overſeers of the Poor of any Pariſh or Place where the Offence ſhall be committed, ſhall be applied and accounted for by the ſaid Churchwardens and Overſeers, in the ſame Manner as other Monies raiſed and received on the Rates made for the Relief of the Poor are directed and appointed to be applied and accounted for.**

Forfeitures how to be applied.

VII. And whereas Conſtables or other Miniſterial Officers of the Peace have refuſed or neglected to be aiding or aſſiſting in the Execution of the before mentioned Acts made in the Ninth and Tenth Years of His preſent Majeſty's Reign, although thereunto required; **be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, if any Conſtable, or other Miniſterial Officer of the Peace whatſoever, ſhall refuſe or neglect, upon due Notice or Requeſt, or on their own View, to be aiding and aſſiſting in the Execution of this Act, or of the before mentioned Acts made in the Ninth and Tenth Years of His Majeſty's Reign, or any or either of them; ſuch Conſtable or other Miniſterial Officer of the Peace, being thereof convicted by the Oath of one or more credible Witneſs or Witneſſes before any Juſtice of the Peace for the County or Place where ſuch Offence ſhall be committed, ſhall forfeit for every ſuch Offence the Sum of Twenty Pounds, to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hand and Seal of ſuch Juſtice of the Peace; the one Moiety to go to the Poor of the Pariſh where ſuch Offence ſhall be committed, and the other Moiety to the Informer who ſhall proſecute for the ſame, rendering the Overplus thereof to the Owner, if any there be.**

Penalty on Conſtables Neglect of Duty.

VIII. **And be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, no Diſtiller or other ſeller of Spirituous Liquors or Strong Waters whatſoever ſhall, during ſuch Time as he ſhall be a Diſtiller or Seller of ſuch Liquors, be capable or have any Power to act, or ſhall be directly or indirectly concerned in acting, as a Juſtice of the Peace in any Matter or Thing whatſoever, which ſhall any Ways concern the Execution of this preſent Act, or of the before mentioned Acts made in the Ninth and Tenth Years of His preſent Majeſty's Reign, or either of them,**

Diſtillers not to act as Juſtices in Matters concerning this Act.

IX. **And be it further enacted by the Authority aforeſaid, That all Fines, Penalties, and Forfeitures by this Act impoſed, ſhall and may be ſued for, recovered, levied, and mitigated, by ſuch Ways, Means, and Methods, as any Fine, Penalty, or Forfeiture is or may be** in like Caſes ſued for, levied, recovered, and mitigated by any Law or Laws of Exciſe, or by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland; and that One Moiety of the ſaid Fines and Forfeitures, and which are not herein before directed to be otherwiſe diſtributed, ſhall go and be paid to the Uſe of His Majeſty, His Heirs, and Succeſſors,

Fines how to be recovered, &c.

and

and the other Moiety thereof to the Perſon or Perſons who ſhall inform or ſue for the ſame.

CAP. XXVII.

An Act for granting to His Majeſty the Sum of Two Millions for the Service of the Year One thouſand ſeven hundred and thirty eight; and for paying the Governor and Company of the Bank of *England* One Million, for redeeming an Annuity of Forty thouſand Pounds payable to them; and for the further appropriating the Supplies granted in this Seſſion of Parliament.

Preamble, reciting the Act 3 *Geo.* I. *cap.* 8.

MOST Gracious Sovereign, Whereas by an Act of Parliament made in the Third Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for redeeming ſeveral Funds of the Governor and Company of the Bank of* England, *purſuant to former Proviſoes of Redemption; and for ſecuring to them ſeveral new Funds and Allowances redeemable by Parliament; and for obliging them to advance further Sums, not exceeding Two millions five hundred thouſand Pounds, at Five Pounds* per Centum, *as ſhall be found neceſſary, to be employed in leſſening the National Debts and Incumbrances; and for continuing certain Proviſions made for the Expence of His Majeſty's Civil Government; and for Payment of Annuities formerly purchaſed at the Rate of Five Pounds* per Centum; *and for other Purpoſes in this Act mentioned*; the ſaid Governor and Company of the Bank of *England*, became intitled to One Annuity or yearly Sum of One hundred thouſand Pounds, for or in reſpect of the Sum of Two Millions, being the Amount of certain Exchequer Bills, which according to the Directions of the ſame Act were delivered up by the ſaid Governor and Company to be cancelled; and the ſaid Annuity was thereby charged on the Aggregate Fund, and made redeemable by Parliament on Repayment to the ſaid Governor and Company of the Bank of *England* of the ſaid Sum of Two Millions: And whereas by an Act

11 *Geo.* I. *c.* 9. of Parliament made in the Eleventh Year of the Reign of His ſaid late Majeſty King *George* the Firſt, intituled, *An Act for continuing the ſeveral Annuities of Eighty eight thouſand ſeven hundred fifty one Pounds, ſeven Shillings, and ten Pence halfpeny, and One hundred thouſand Pounds, to the Bank of* England, *until* Midſummer *One thouſand ſeven hundred and twenty ſeven, and from thence for reducing the ſame to Seventy one thouſand and one Pounds, two Shillings, and three Pence three farthings, and Eighty thouſand Pounds, redeemable by Parliament; and for preventing the uttering of forged, counterfeited, or eraſed Bank Bills or Notes*; the ſaid Annuity or yearly Sum of One hundred thouſand Pounds, payable to the ſaid Governor and Company of the Bank of *England*, in reſpect of the ſaid Sum of Two Millions, was from *Midſummer* One thouſand ſeven hundred and twenty ſeven, reduced to an Annuity of Eighty thouſand Pounds accordingly; and it was thereby amongſt other Things provided and enacted, That if at any Time or Times thereafter Payment ſhould be made to the ſaid Governor and Company of the Bank of *England*, of any Sum or Sums of Money, not being leſs than Five hundred thouſand Pounds at a Time, in Part of the ſaid Two Millions, ſo much of the Annuity attending the ſame, as ſhall bear a Proportion to the Sum or Sums ſo paid in Part, ſhould ceaſe, determine,

1 *Geo.* II. *c.* 8. and be abated: And whereas in purſuance of an Act of Parliament made in the Firſt Year of His preſent Majeſty's Reign, intituled, *An Act for granting an Aid to His Majeſty by Sale of Annuities to the Bank of* England, *at Four Pounds* per Centum *redeemable by Parliament, and charged upon the Duties on Coals and Culm; and for further applying the Produce of the Sinking Fund; and for enlarging the Time for exchanging of* Nevis *and Saint* Chriſtopher's *Debentures, for Annuities at Three Pounds* per Centum; *and for applying the Arrears of His late Majeſty's Civil Liſt Revenue*; the Sum of Five hundred thouſand Pounds was paid to the ſaid Governor and Company of the Bank of *England*, in Part of the ſaid Principal Sum of Two Millions, for reducing Twenty thouſand Pounds *per Annum*, being a proportional Part of the ſaid Annuity of Eighty thouſand Pounds, ſo that there is now ſubſiſting of the ſame Annuity only the yearly Sum of Sixty thouſand Pounds, which is redeemable in Manner aforeſaid on Payment to the ſame Governor and Company of the remaining principal Sum of One million five hundred thouſand Pounds: **Now we Your Majeſty's moſt dutiful and loyal Subjects the Commons of** Great Britain **in Parliament aſſembled, being willing to have the publick Debts and Incumbrances diſcharged as faſt as conveniently may be with regard to Juſtice and the publick Faith, and being alſo deſirous to raiſe the Supply granted to Your Majeſty in this Seſſion of Parliament by Ways the leaſt burthenſom to Your Subjects, have reſolved to give and grant unto Your Majeſty the Sum of One million five hundred thouſand Pounds, out of the Surpluſſes, Exceſſes, and Overplus Monies, commonly called** The Sinking Fund, **towards the Supply granted to Your Majeſty for the Service of the Year One thouſand ſeven hundred and thirty eight; and to that End and Purpoſe do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That by or out of ſuch Monies as have ariſen, or ſhall from time to time ariſe and be in the Receipt of His Majeſty's Exchequer, of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called the** The Sinking Fund (**after paying or reſerving ſufficient to pay all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame) there ſhall and may be iſſued, paid, and applied, a Sum not exceeding the ſaid Sum of One million five hundred thouſand Pounds, for or towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and thirty eight; and the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, are hereby authorized and impowered to iſſue and apply the ſame accordingly.**

One Million and an half to be paid out of the Sinking Fund.

II. **And Your Majeſty's ſaid Commons having reſolved to give and grant unto Your Majeſty the further Sum of Five hundred thouſand Pounds, for the Service of the ſaid Year One thouſand ſeven hundred and thirty eight, to be raiſed in ſuch Manner and Form as is herein after mentioned, be it further enacted by the Authority aforeſaid, That the Annuities which by this Act ſhall be granted and made payable in reſpect of the ſaid principal Sum of Five hundred thouſand Pounds, until Redemption thereof by Parliament in Manner herein after mentioned, ſhall, from and after the Feaſt Day of Saint** Michael **the Archangel, One thouſand ſeven hundred and thirty eight, be charged and chargeable upon, and payable out of, the Monies which from and after the ſaid Feaſt Day ſhall from time to time ariſe and be remaining in the Receipt of His Majeſty's Exchequer, of or for the ſaid Surpluſſes, Exceſſes, or Overplus Monies of the Fund, commonly called** The Sinking Fund;

Sinking Fund anſwerable for the Diſcharge of the Loan of 500,000 *l.*

Fund; and the ſaid Surpluſſes, Exceſſes, or Overplus Monies are hereby appropriated for that Purpoſe accordingly.

Clauſe of Credit.

III. And for or towards raiſing the ſaid Sum or Sums of Money, not exceeding in the whole the ſaid Sum of Five hundred thouſand Pounds, it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to contribute, advance, and pay into the Receipt of His Majeſty's Exchequer, for His Majeſty's Uſe, at ſuch time or times as ſhall be appointed by the Commiſſioners of the Treaſury, or any Three or more of them now being, or by the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, any Sum or Sums of Money, not exceeding the ſaid Sum of Five hundred thouſand Pounds, for the abſolute Purchaſe of any certain Annuity or Annuities, to commence from the ſaid Feaſt Day of Saint Michael the Archangel, One thouſand ſeven hundred and thirty eight, and to be paid and payable to ſuch Contributor or Contributors, or ſuch as he, ſhe, or they ſhall nominate, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns reſpectively, until the Redemption thereof by Parliament in Manner herein after contained in that Behalf; which certain Annuities ſhall be computed at the Rate of Three Pounds per Annum for every One hundred Pounds, and proportionably for any greater Sum ſo to be advanced and paid; and the Purchaſe Money ſo paid for every ſuch Annuity at the Rate aforeſaid is hereby appointed to be paid into the ſaid Receipt of Exchequer at the time or times to be appointed as aforeſaid; all which Annuities ſo to be purchaſed ſhall be paid and payable at two of the moſt uſual Feaſts or Days of Payment in the Year; that is to ſay, the Feaſt of the Annunciation of the Bleſſed Virgin Mary, and Saint Michael the Archangel, by even and equal Portions; the firſt Payment thereof to be due and payable at the Feaſt of the Annunciation of the Bleſſed Virgin Mary, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty nine.

Book of Accounts to be kept.

IV. And it is hereby enacted, That in the Offices of the Auditor of the Receipt, and Clerk of the Pells, there ſhall be provided and kept a Book or Books, in which there ſhall be fairly entred the Names of all Perſons who ſhall be Contributors for ſuch certain Annuities as aforeſaid, and of all Perſons by whoſe Hands the ſaid Contributors ſhall pay in any of the ſaid Sums upon this Act, and alſo the Sums paid for ſuch Annuities; to which Book it ſhall be lawful for the ſaid reſpective Contributors, their Executors, Adminiſtrators, and Aſſigns, from time to time and at all ſeaſonable times to have Reſort and to inſpect the ſame without Fee or Reward.

Contributors to enjoy and have abſolute Eſtates in the Annuities.

V. And be it further enacted by the Authority aforeſaid, That all and every Contributor and Contributors upon this Act duly paying the Contribution or Purchaſe Money at the Rate aforeſaid, at the time or times in this Act limited in that Behalf, for any ſuch Annuity or Annuities as aforeſaid, or ſuch as he, ſhe, or they ſhall appoint, his, her, or their reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, ſhall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy the reſpective Annuity and Annuities ſo to be purchaſed, out of the Monies by this Act appropriated as aforeſaid, until the Redemption thereof by Parliament according to the Proviſo herein after contained in that Behalf; and that all and every ſuch Purchaſers, their Executors, Adminiſtrators, Succeſſors, and Aſſigns reſpectively, ſhall have good, ſure, abſolute, and indefeaſible Eſtates and Intereſts in the ſeveral Annuities ſo by them reſpectively to be purchaſed, according to the Tenor and true Meaning of this Act; and that all ſuch Eſtates and Intereſts of and in the ſaid Annuities, and every of them, ſhall be, and be adjudged, taken, and accepted in Conſtruction of Law, and in all Courts of Law and Equity whatſoever, to be a Perſonal and not a Real Eſtate, and ſhall go to the Executors or Adminiſtrators of the Perſon or Perſons dying poſſeſſed thereof, intereſted therein, or intitled thereunto, and not to the Heirs of ſuch Perſon or Perſons; any Law, Cuſtom, or Uſage to the contrary notwithſtanding: And that all the ſaid Annuities to be purchaſed on this Act as aforeſaid, and every of them, ſhall be free from all Taxes, Charges, and Impoſitions whatſoever.

The ſame to be Perſonal and not Real.

Contributors to have Tallies ſtruck, and Orders for Payment.

VI. And be it further enacted by the Authority aforeſaid, That every Contributor upon this Act for any ſuch Annuity or Annuities as aforeſaid, his, her, or their Executors, Adminiſtrators, Succeſſors, or Aſſigns, upon Payment of the Conſideration or Purchaſe Money for the ſame at the Rate aforeſaid, into the ſaid Receipt of Exchequer, at the time or times in this Act limited in that Behalf, ſhall immediately have one or more Talley or Tallies levied, importing the Receipt of the Purchaſe Money as ſhall be ſo paid for any ſuch Annuity or Annuities at the Rate aforeſaid; and every ſuch Contributor, his, her, or their Executors, Adminiſtrators, Succeſſors, or Aſſigns reſpectively, ſhall have an Order for paying the ſaid Annuity or Annuities until Redemption thereof by Parliament, according to the Proviſo herein after contained in that Behalf; which Order ſhall be ſigned by the Treaſurer and Under-Treaſurer of the Exchequer, or any Three or more of the Commiſſioners of the Treaſury for the time being, and after ſigning thereof the ſame ſhall be firm, good, valid, and effectual in the Law, according to the Purport and true Meaning thereof and of this Act, and ſhall not be determinable by or upon the Deaths or Removal of any Treaſurer or Under-Treaſurer of the Exchequer, or any Commiſſioner or Commiſſioners of the Treaſury, or by or upon the Determination of the Power, Office or Offices of them or any of them, nor ſhall any Lord High Treaſurer of Great Britain, Treaſurer of the Exchequer, or any Commiſſioners of the Treaſury, now or for the time being, have Power to revoke, countermand, determine, or make void ſuch Orders ſo ſigned as aforeſaid, or any of them.

Annuities aſſignable.

VII. And be it further enacted, That the Proprietors of the Orders to be made forth for the ſaid Annuities in purſuance of this Act ſhall or may from time to time, by proper Words of Aſſignment to be indorſed on his, her, or their Order, aſſign or transfer his, her, or their Right, Title, Intereſt, and Benefit of ſuch Order or Orders, to any other Perſon or Perſons, which being notified in the Office of the Auditor of the Receipt, the Officers there ſhall cauſe an Entry or Memorial thereof to be made in the Book of Regiſtry for ſuch Orders without Fee or Charge; and after ſuch Entry made ſuch Aſſignment ſhall intitle ſuch Aſſignee,

Aſſignee, his, her, or their Executors, Adminiſtrators, Succeſſors, and Aſſigns, to the Benefit thereof and Payment thereon, and ſuch Aſſignee may in like Manner aſſign again, and ſo toties quoties; and afterwards it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall make ſuch Aſſignments, to make void, releaſe, or diſcharge the ſame, or any Monies thereby due, or any Part thereof.

VIII. And whereas it may ſo happen, that in Proceſs of Time ſeveral of the ſaid ſtanding Orders may become defaced, obliterated, or incumbred with many Aſſignments indorſed thereon, or by reaſon thereof, or ſome other Defects therein, it may become neceſſary that the ſaid defaced, obliterated, incumbred, or otherwiſe defective Orders, ſhould be taken in and cancelled, and new Orders made forth, and delivered to the Owners and Proprietors of the Orders ſo to be cancelled in lieu thereof; be it therefore enacted by the Authority aforeſaid, That in all or any of the ſaid Caſes any Three or more of the ſaid Commiſſioners of the Treaſury now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, may, if he or they ſhall ſo think fit, from time to time cauſe to be made forth new ſtanding Orders for and in lieu of ſuch defaced, obliterated, incumbred, or otherwiſe defective Orders, ſo as ſuch defaced, obliterated, incumbred, or otherwiſe defective Order or Orders, be at the ſame Time delivered up and cancelled; and the new Order or Orders to be made out in lieu thereof be made payable to the Perſon or Perſons, who ſhall appear to be Proprietor or Proprietors of the ſaid Order or Orders ſo delivered up and cancelled at the Time of ſuch Delivery up as aforeſaid; and the Auditor of the ſaid Receipt aforeſaid ſhall always take care, that ſuch Entries or Memorandums be made upon the ſaid new Orders, as may denote their being made out in lieu of ſuch defaced, ob iterated, incumbred, or otherwiſe defective Orders cancelled, and as may ſecure the Publick againſt any double Payments for or by reaſon of the making out or iſſuing ſuch new Orders in Manner aforeſaid.

New Orders to be made forth in lieu of obliterated ones.

IX. And for the preventing of all Frauds and Abuſes in or about the ſaid ſtanding Orders, or any Aſſignments thereof, or the receiving the Annuities due or to grow due thereon; be it enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act and aſſiſt in the forging or counterfeiting, any Order or Orders made forth or to be made forth in purſuance of this Act, or any Aſſignment or Aſſignments of ſuch Order or Orders, or of the Annuities payable thereon, or of any Receipt or Diſcharge to the Exchequer for the Annuities due or to grow due on any ſuch Order or Orders, or of any Letter of Attorney, or other Authority, or Inſtrument, to tranſfer, aſſign, alien, or convey any ſuch Order or Orders, or to receive the Annuities due or to grow due thereon, or any Part thereof, or ſhall forge or counterfeit, or procure to be forged or counterfeited, or knowingly or wilfully act or aſſiſt in the forging or counterfeiting, any the Name or Names of any of the Proprietors of any ſuch Order or Orders, in or to any ſuch pretended Aſſignment, Receipt, Letter of Attorney, Inſtrument, or Authority, or ſhall knowingly, or fraudulently demand or endeavour to have or receive any ſuch Annuity or Annuities, or any Part thereof, by Virtue of any ſuch forged or counterfeited Receipt, Letter of Attorney, Inſtrument, or Authority, or ſhall falſly and deceitfully perſonate any true and real Proprietor or Proprietors of any of the ſaid Order or Orders, and thereby aſſigning or endeavouring to aſſign any of the ſaid Order or Orders, or receiving or endeavouring to receive the Money of ſuch true and lawful Proprietor, as if ſuch Offender was the true and lawful Owner thereof; then and in every ſuch Caſe all and every Perſon and Perſons, being thereof lawfully convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer as in Caſes of Felony, without Benefit of Clergy.

Forging Orders, &c. Felony.

X. And be it further enacted, for the better encouraging Perſons to advance the ſaid Sum of Five hundred thouſand Pounds upon the Credit of this Act, that all Receipts and Iſſues, and all other Things directed by this Act to be performed in the Exchequer, ſhall be done and performed by the Officers there, without demanding or receiving, directly or indirectly, any Fee, Reward, or Gratuity for the ſame; and in caſe the Officers of the Exchequer ſhall take or demand any ſuch Fee or Reward, or ſhall not keep Books or Regiſters, and make Entries, and do and perform all other Things which by this Act they are required to perform; every ſuch Officer ſhall forfeit his Office, and be for the future incapable of any Office or Place of Truſt whatſoever, and ſhall anſwer and pay treble Damages and Coſts of Suit to any Contributor, or Perſon claiming under him, that will ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoign, Protection, Privilege, or Wager of Law, Injunction, or Order of Reſtraint, or more than one Imparlance ſhall be granted or allowed; and in the ſaid Action the Plaintiff upon Recovery ſhall have full Coſts of Suit, one Third of which Sum ſo to be recovered ſhall be paid into the Receipt of the Exchequer for the Benefit of His Majeſty, His Heirs, and Succeſſors, and the other two Thirds ſhall be to and for the Uſe of the Proſecutor.

No Fee to be taken for Orders, &c.

XI. Provided always, and it is hereby enacted by the Authority aforeſaid, That out of the Monies from time to time ariſing at the ſaid Receipt of Exchequer or for the ſaid Surpluſſes, Exceſſes, or Overplus Monies, of the Fund, commonly called The Sinking Fund, it ſhall and may be lawful to and for the ſaid Commiſſioners of the Treaſury, or any Three or more of them, or the High Treaſurer for the time being, to reward the Officers and Clerks in the Exchequer, and others, that ſhall or may be any way employed in the Execution of this Act, in relation to the ſaid Annuities to be payable thereupon, for their Labour, Pains, and Service therein reſpectively, and to diſcharge and ſatisfy ſuch incident Charges as ſhall neceſſarily attend the Execution of the ſame, in ſuch Manner as the Commiſſioners of the Treaſury, or any Three or more of them, or the High Treaſurer for the time being, ſhall from time to time think fit and reaſonable in that Behalf; any thing in this Act contained to the contrary notwithſtanding.

Commiſſioners to pay Officers for their Pains out of the Sinking Fund.

XII. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That at any time, upon one Year's Notice to be printed in the London Gazette and affixed upon the Royal Exchange in London by Authority of Parliament, at any of the half yearly Feaſt Days for Payment of the ſaid Annuities, and upon Repayment by Parliament of the Principal Sums

Annuities when to ceaſe.

Sums for which the ſaid Annuities ſhall be payable to ſuch reſpective Perſons or Corporations as ſhall be intitled to the ſame Annuities, and alſo upon full Payment of all Arrearages of the ſame Annuities; then, and not till then, the ſaid Annuities ſhall ceaſe and determine, and be underſtood to be redeemed; and that any Vote or Reſolution of the Houſe of Commons, ſignified by the Speaker in Writing, to be inſerted in the London Gazette and affixed on the Royal Exchange in London as aforeſaid, ſhall be deemed and adjudged ſufficient Notice within the Words and Meaning of this Act.

XIII. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the whole the ſaid Sum of Five hundred thouſand Pounds, to be raiſed either by ſuch Loans as aforeſaid, or by iſſuing Exchequer Bills as is herein after mentioned, or by both or either of thoſe Ways or Means, for the publick Service; be it further enacted by the Authority aforeſaid, That in caſe the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, ſhall judge it more adviſeable to raiſe the Sum of Five hundred thouſand Pounds, or any Part thereof, by Exchequer Bills inſtead of ſuch Loans as aforeſaid; that then they reſpectively are hereby authorized and impowered at any Time or Times before the Twenty fifth Day of December, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty eight, to prepare and make, or cauſe to be prepared and made, at the Exchequer any Number of Exchequer Bills for any Sum or Sums of Money, not exceeding in the whole the ſaid Sum of Five hundred thouſand Pounds together with ſuch Loans as aforeſaid, in the ſame or like Manner, Form, and Order, and according to the ſame or like Rules and Directions, as in and by a certain Act of this preſent Seſſion of Parliament (For continuing the Duties on Malt, Mum, Cyder, and Perry, for the Service of the Year One thouſand ſeven hundred and thirty eight) are enacted and preſcribed concerning the Exchequer Bills to be made in purſuance of the ſame Act. Commiſſioners may raiſe the ſaid Sum by Exchequer Bills inſtead of Loans.

XIV. And be it further enacted by the Authority aforeſaid, That all and every the Clauſes, Proviſoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Diſabilities contained in the ſaid laſt mentioned Act relating to the Loans or Exchequer Bills authorized to be made by the ſame Act (except ſuch Clauſes as do charge the ſame on the Duties or Impoſitions granted or continued by the ſame Act) ſhall be applied and extended to the Exchequer Bills to be made in purſuance of this Act, as fully and effectually to all Intents and Purpoſes as if the ſame Exchequer Bills had been originally authorized by the ſaid laſt mentioned Act, or as if the ſaid ſeveral Clauſes or Proviſoes had been particularly repeated or re-enacted in the Body of this preſent Act. The Privileges, &c. relating to the Bills made by the Malt Act to extend to thoſe of this Act.

XV. And be it enacted by the Authority aforeſaid, That all the Exchequer Bills as ſhall be made in purſuance of this Act, and the Intereſt, Premium, Rate, and Charges incident to, or attending the ſame, ſhall be and are hereby charged and chargeable upon and ſhall be repaid and borne by or out of the growing Produce of the ſaid Surpluſſes, Exceſſes, or Overplus Monies commonly called The Sinking Fund (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf) and ſuch Monies of the ſaid Sinking Fund ſhall and may be iſſued and applied, as faſt as the ſame can be regularly ſtated and aſcertained, for and towards paying off, cancelling, and diſcharging ſuch Exchequer Bills, Intereſt, Premium, Rate, or Charges, until the whole of them ſhall be paid off, cancelled, and diſcharged, or Money ſufficient for that Purpoſe be kept and reſerved in the Exchequer, to be payable on Demand to the reſpective Proprietors thereof. Such Bills chargeable on the *Sinking Fund*.

XVI. And be it further enacted by the Authority aforeſaid, That at or upon the Feaſt Day of Saint Michael the Archangel, One thouſand ſeven hundred and thirty eight, there ſhall be iſſued, paid, and applied to the ſaid Governor and Company of the Bank of England the Sum of One Million, out of any the Aids or Supplies granted in this Seſſion of Parliament, for redeeming the Annuity of Forty thouſand Pounds, Part of the before mentioned Annuity of Sixty thouſand Pounds, in further Part of the ſaid principal Sum of Two Millions as aforeſaid; and that upon Payment thereof the Annuity attending thereon ſhall ceaſe, determine, and be abated, for the Benefit of the Publick. One Million to be paid to the Bank out of the Supplies granted this Seſſion.

XVII. Provided always, and be it enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one Act of this Seſſion of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and thirty eight; and ſo much Money (if any ſuch be) of the Duties thereby granted and continued as ſhall ariſe or remain after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one other Act of this Seſſion of Parliament, intituled, An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty eight; and ſo much Money (if any ſuch be) of the Tax thereby granted as ſhall ariſe or remain after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and the Sum of Two Millions by this Act granted as aforeſaid, ſhall be appropriated and applied, and are hereby appropriated, for and towards the ſeveral Uſes, Intents, and Purpoſes herein before and after expreſſed, ſubject nevertheleſs to ſuch Reſtrictions as are herein after preſcribed; that is to ſay, It is hereby enacted and declared, That out of all or any the Aids or Supplies aforeſaid there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One million two hundred forty two thouſand eight hundred eighty five Pounds, twelve Shillings, and five Pence, for or towards the Naval Services herein after more particularly expreſſed; Application of the Money granted this Seſſion. 1,242,885*l.* 12*s.* 5*d.* for Naval Services.

that is to say, For or towards defraying the Charge of the Ordinary of his Majesty's Navy, and for half-pay to Sea Officers, and for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed, and for or towards Sea Services in the Office of Ordnance performed and to be performed.

XVIII. And it is hereby enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Forty thousand Pounds, for rebuilding and repairing the Ships of the Royal Navy, for the Year One thousand seven hundred and thirty eight.

40,000 *l.* for rebuilding Ships.

XIX. And it is also hereby enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Ten thousand Pounds, upon Account, for or towards the Support of the Royal Hospital at Greenwich; and for the better Maintenance of the Seamen of the said Hospital worn out and become decrepit in the Service of their Country.

10,000 *l.* to *Greenwich* Hospital.

XX. And it is hereby also enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Eighty six thousand and nineteen Pounds, four Shillings, and seven Pence, for or towards defraying the Charge of the Office of Ordnance for Land Service performed and to be performed; and for defraying the extraordinary Expence of the Office of Ordnance for Land Services not provided for by Parliament.

86,019 *l.* 4 *s.* 7 *d.* for the Office of Ordnance.

XXI. And it is hereby likewise enacted, That out of all or any the Aids or Supplies provided, as aforesaid, there shall and may be issued and applied any Sum or Sums of Money, not exceeding Nine hundred sixty one thousand seven hundred eighty six Pounds, nineteen Shillings, and nine Pence, for or towards maintaining his Majesty's Land Forces, and other Services herein after more particularly expressed; that is to say, Any Sum or Sums of Money, not exceeding Six hundred forty seven thousand five hundred forty nine Pounds, eleven Shillings, and three Pence Halfpeny, for defraying the Charge of Seventeen thousand seven hundred and four Men, including Commission and Non-commission Officers, and Invalids, for Guards, Garisons, and Six independent Companies for the Service of the Highlands, and other his Majesty's Land Forces in Great Britain, Guernsey, and Jersey, for the Year One thousand seven hundred and thirty eight; and any Sum or Sums of Money, not exceeding Two hundred twenty five thousand nine hundred eighty two Pounds, and seven Pence Halfpeny, for maintaining his Majesty's Forces and Garisons in the Plantations, Minorca, and Gibraltar, and for Provisions for the Garisons at Annapolis Royal, Canso, Placentia, and Gibraltar, for the Year One thousand seven hundred and thirty eight; and any Sum or Sums of Money, not exceeding Twenty seven thousand nine hundred and ten Pounds, seven Shillings, and six Pence, upon Account for the Out-pensioners of Chelsea Hospital, for the Year One thousand seven hundred and thirty eight; and any Sum or Sums of Money, not exceeding Fourteen thousand three hundred ninety five Pounds, four Shillings, and Six Pence, for defraying several extraordinary Expences and Services incurred in the Year One thousand seven hundred and thirty seven, and not provided for by Parliament; and any Sum or Sums of Money, not exceeding Forty one thousand nine hundred fifty nine Pounds, fifteen Shillings, and ten Pence, upon Account of half-pay to the reduced Officers of his Majesty's Land Forces and Marines for the Year One thousand seven hundred and thirty eight, subject nevertheless to such Rules to be observed in the Application of the said half-pay as are herein after prescribed concerning the same; and any Sum or Sums of Money, not exceeding Three thousand nine hundred and ninety Pounds, for paying of Pensions to Widows of such reduced Officers of his Majesty's Land Forces and Marines, as died upon the Establishment of half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thousand seven hundred and fifteen, for the Year One thousand seven hundred and thirty eight; which said Sum of Three thousand nine hundred and ninety Pounds shall be issued to such Person or Persons, as his Majesty shall by Warrant or Warrants under his Royal Sign Manual direct or appoint to receive the same, to be by him or them paid over to such Widows of half-pay Officers, or their Assigns, according to such Establishments, Lists, or other Directions, and with and subject to such Conditions, Qualifications, Deductions, or other Allowances for the same, as his Majesty by such or the like Warrant or Warrants shall be graciously pleased to direct or appoint.

961,786 *l.* 19 *s.* 9 *d.* for the Land Forces.

647,549 *l.* 11 *s.* 3 *d.* halfpeny, for Guards and Garisons.

225,982 *l.* 7 *d.* halfpeny, for the Plantations.

27,910 *l.* 7 *s.* 6 *d.* for *Chelsea* Hospital.

14,395 *l.* 4 *s.* 6 *d.* for extraordinary Expences.

41,959 *l.* 15 *s.* 10 *d.* for Half-pay.

3,990 *l.* for reduced Officers Widows.

XXII. And it is hereby also enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Twenty eight thousand three hundred twenty one Pounds, four Shillings, and eleven Pence three Farthings, towards making good the Deficiency of the Grants for the Year One thousand seven hundred and thirty seven.

28 321 *l.* 4 *s.* 11 *d.* three Farthings for Deficiency of the Grants 1737.

XXIII. And it is also hereby enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Three thousand two hundred thirty two Pounds, eighteen Shillings, and ten Pence, to replace to the Sinking Fund the like Sum paid to make good the Deficiency of the additional Stamp Duties at Christmas, One thousand seven hundred and thirty six, pursuant to a Clause in an Act of Parliament passed in the Fourth Year of his Majesty's Reign, for raising One million two hundred thousand Pounds by Annuities and a Lottery, for the Service of the Year One thousand seven hundred and thirty one; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to replace to the said Sinking Fund the like Sum paid out of the same to the Governor and Company of the Bank of England for One Year and a half's Interest due on or before the Eighth Day of September, One thousand seven hundred and thirty seven, being after the Rate of Four Pounds per Centum on the Principal Sum of Five hundred thousand Pounds by them lent on the Credit of the Salt Duties towards the Supply of the Year One thousand seven hundred and thirty five, pursuant to a Clause in an Act of Parliament passed in the Eighth Year of his Majesty's Reign, for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards the Maintenance of the

3,232 *l.* 18 *s.* 10 *d.* for Deficiency of the Stamp Duties.

30,000 *l.* to replace to the Sinking Fund.

10,000 *l.* towards maintaining the *African* Forts.

the British Forts and Settlements belonging to the Royal African Company of England on the Coast of Africa; and any Sum or Sums of Money not exceeding Four thousand Pounds, towards repairing and finishing the Collegiate Church of Saint Peter, Westminster; and there shall and may be issued to the Trustees for establishing the Colony of Georgia in America any Sum or Sums of Money, not exceeding Eight thousand Pounds, by them to be applied towards settling and securing the said Colony. 4000 *l.* to the repairing *Westminster-Abbey*, and 8000 *l.* to the Colony of *Georgia*.

XXIV. And as to the said Sum of Forty one thousand nine hundred fifty nine Pounds, fifteen Shillings, and ten Pence, by this Act appropriated on account of Half-pay as aforesaid; it is hereby enacted and declared by the Authority aforesaid, That the Rules herein after prescribed shall be duly observed in the Application thereof; that is to say, That no Person shall have or receive any Part of the same, who was a Minor and under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Persons who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit Civil or Military under His Majesty, shall have or receive any Part of the said Half-pay; that no Chaplain of any Garison or Regiment, who has any Ecclesiastical Benefice in Great Britain or Ireland, shall have or receive any of the said Half-pay; that no Person shall have or receive any Part of the same, who hath resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Persons who would have been otherwise intitled to the same as reduced Officers; and that no Part of the same shall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in Ireland, except to such as were lately taken off the Establishment of Half-pay in Great Britain. Rules for the Application of Half-pay.

XXV. And whereas by an Act of Parliament made in the Tenth Year of His Majesty's Reign, intituled, *An Act for repealing the present Duty on Sweets, and for granting a less Duty thereon; and for explaining and enforcing the Execution of an Act passed in the Ninth Year of His Majesty's Reign, intituled,* An Act for laying a Duty upon the Retalers of Spirituous Liquors, and for licensing the Retalers thereof; *and for appropriating the Supplies granted in this Session of Parliament, and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders lost, burnt, or otherwise destroyed*; several Supplies which had been granted to His Majesty as is therein mentioned were appropriated to several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Forty four thousand six hundred eighty five Pounds, two Shillings, and six Pence, was appropriated to be paid to the reduced Officers of His Majesty's Land Forces and Marines, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as in and by the aforesaid Act were prescribed in that Behalf; now it is hereby provided, enacted, and declared by the Authority aforesaid, That so much of the said Sum of Forty four thousand six hundred eighty five Pounds, two Shillings, and six Pence, as is or shall be more than sufficient to satisfy the said reduced Officers, according to the said Rules by the said Act prescribed to be observed in the Application thereof, or any Part of such Overplus, shall or may be disposed of to such Officers who are maimed, or lost their Limbs in the late Wars, or such others as by Reason of their long Service or otherwise His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act or the said former Act to the contrary notwithstanding. Surplus Money granted to reduced Officers for the Year 1737, how disposed of.

CAP. XXVIII.

An Act for the better regulating the Manufacture of Narrow Woollen Cloths in the *West Riding* of the County of *York*.

WHEREAS it hath been found by Experience, that the Laws now in Being concerning the making and manufacturing of Narrow Woollen Cloth in the *West Riding* of the County of *York* have hitherto proved ineffectual to restrain and prevent the Deceits, Frauds, and Abuses, which are used and practised in the making and working the said Cloth, particularly in stretching and straining the said Cloth; which ill Practices tend very much to the discrediting the said Manufacture both at Home and in Parts beyond the Seas; for Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of August, which shall be in the Year of our Lord One thousand seven hundred and thirty eight, every Maker of Narrow Woollen Cloth within the West Riding of the said County of York, shall weave or set in the Head of every Piece of Narrow Woollen Cloth by him to be made (except White Kerseys, and Cloths called Half Thicks) the initial Letters of his Christian and Surname; and that every Piece of Narrow Woollen Cloth made, milled, or exposed to Sale in the said West Riding of the said County (except as before excepted) shall be measured at the Fulling-mill, when it is fully wet, and before it is carried from the said Mill, both by the Mill Man, or Owner or Occupier of the said Mill, and by the Searcher (to be appointed as herein after is mentioned) who shall measure the same down the Middle of each Cloth for the Length, and within the Lists for the Breadth thereof; and every such Mill Man, or Owner or Occupier of every such Fulling-mill, shall affix or cause to be affixed at one End of every such Cloth, before it shall be carried from the Mill, a Seal of Lead, to be furnished by the Clothier; and the said Mill Man, or Owner or Occupier of every such Fulling-mill, shall rivet the same on every such Cloth, and shall stamp his own Name in plain Words at Length thereupon, and shall likewise stamp the Length and Breadth of every such Cloth in plain and legible Figures upon the same Seal of Lead; and every such Searcher shall also affix a Seal of Lead at the other End, whereon he shall stamp his Name, and the Length and Breadth of the Cloth in plain Words and Figures, and in the same Manner as the said Mill Man is hereby directed and required to seal and stamp the same; and the said Mill Man, or Owner or Occupier of every such Fulling-mill, and also every such Searcher, shall respectively keep Books, wherein they shall enter in plain and legible Words and Figures the Day and Preamble. Makers of Narrow Woollen Cloth to set the initial Letters of their Names at the Head of every Piece of Cloth. Exception. The same to be measured, and how.

Year when every such Piece of Cloth is or shall be fulled or milled, and also the Name and Place of Abode of the Owner of every such Piece of Cloth, and the Length and Breadth thereof.

Penalties. II. And be it further enacted by the Authority aforesaid, That from and after the First Day of August, One thousand seven hundred and thirty eight, if any Maker of any such Cloth shall refuse or neglect to weave or set the initial Letters of his Christian and Surname in the Head of each Cloth so by him made; or if any Mill Man, or Owner or Occupier of any such Fulling-mill, or any such Searcher, shall refuse or neglect to fix such Seals at the End of every such Piece of Cloth, before it shall be carried from the Mill, in the Manner, and with such Stamp or Impression, as is before directed; or shall neglect or refuse to make such Entries in Books to be kept by them respectively for that Purpose, as are herein before directed; or shall refuse to permit and suffer any Buyer to inspect such Entries, when thereunto reasonably required, every Person or Persons so offending shall, for every such Neglect or Offence, forfeit the several Sums herein after mentioned; that is to say, Every Maker of such Cloth shall forfeit the Sum of Twenty Shillings, and every Mill Man, or Owner or Occupier of such Fulling-mill, and every such Searcher, shall respectively forfeit for every such Neglect or Offence the Sum of Five Pounds.

Justices at Quarter Sessions to appoint Searchers, III. And be it further enacted, That the Justices of the Peace for the said West Riding of the said County of York shall, at their Quarter Sessions of the Peace to be holden for the said West Riding, or the major Part of them present, next after Midsummer next, and afterwards at their General Quarter Sessions of the Peace to be holden next after Easter yearly and every Year, choose and appoint so many Men of good Character and Repute within the said Riding, who have served Apprenticeship to the Trade of making Narrow Cloth, or who shall have exercised such Trade for the Space of Three Years, as they shall think reasonable, to be Searchers for the Year ensuing, and may allow to each of them such a Salary, as they in their Discretion shall think fit; which said Searchers shall and may have full Power at all seasonable and convenient Times to enter into and inspect all such Mills, Shops, Warehouses, and Tenter-grounds of Makers, Merchants, or Dealers in Narrow Cloth, as they shall think proper; and if they think fit to measure the Length and Breadth of any Cloth which they shall suspect to be overstretched or strained in Length or Breadth: And all and every such Searcher and Searchers, before he or they shall enter upon the Execution of his or their said Office, shall take the following Oath before One of the Justices of the Peace for the said Riding; that is to say,

and allow them Salaries.

Searchers to be sworn.

The Oath. I *A. B.* do swear, That I will well and truly execute the Office of a Searcher of Narrow Woollen Cloth within the *West Riding* of the County of *York*.

So help me God.

In case of the Death or Sickness of any Searcher, another to be appointed. IV. Provided always, and be it further enacted, That if any Person, who shall be so appointed to be a Searcher of such Cloth, shall happen to die during the Year for which he is so appointed to be a Searcher, or shall by Sickness or any other Accident be rendered incapable of executing the said Office, that then and in such Case it shall and may be lawful for any one Justice of the Peace of the said Riding, living near to the Place where such Searcher did or shall reside, to appoint some other proper Person (qualified as aforesaid) to supply the Place of such Searcher until the next Quarter Sessions, to be there by the major Part of the Justices present confirmed, or another Person appointed in his Place; and the Person so confirmed or appointed shall take the same Oath, and be invested with the same Powers, and liable to the same Penalties for any Breach or Neglect of Duty, as the Searchers elected or to be elected at the Quarter Sessions by virtue of this Act are or ought to be.

Cloths stamped wrong, to be re-stamped, V. And be it further enacted by the Authority aforesaid, That every Piece of such Narrow Cloth shall be measured by the Maker or Owner of the said Cloth after it is brought from the Mill, and before it be set upon the Tenter; and if such Maker or Owner finds such Cloth, upon measuring thereof, to be less than the Measure stamped thereupon at the Mill, either in Length or Breadth, or if such Cloth, by lying wet in an improper Season for drying, shall fall short of the Measure so stamped thereupon, that then and in such Case the Maker or Owner of such Cloth shall carry or send the same to the Mill Man, or Owner or Occupier of the Fulling-mill, and to the Searcher who measured and stamped the same, to be by them re-measured and re-stamped with the true Length and Breadth thereof; and in case any Maker or Owner of such Cloth shall neglect so to do, every such Maker or Owner shall for every such Offence forfeit the Sum of Five Shillings.

on Penalty of 5 *s.*

Makers to stretch Cloth to certain Proportions. VI. And be it further enacted, That from and after the First Day of August, One thousand seven hundred and thirty eight, it shall and may be lawful for the Maker or Owner of such Cloth, to stretch every such Piece of Narrow Cloth One Inch in every Yard in Length, and Two Inches in every Three Quarters of a Yard in Breadth, and so in Proportion for every Piece of Narrow Cloth of greater Length or Breadth; but if any Maker, Buyer, Owner, Dresser, or Dealer in such Narrow Cloth shall, from and after the said First Day of August, One thousand seven hundred and thirty eight, strain or stretch, or cause any such Cloth to be strained or stretched, above the Proportions herein before mentioned, either in Length or Breadth, every such Person so offending shall forfeit for the first half-yard in Length, or first Inch in Breadth, so overstretched, the Sum of Ten Shillings, and for every other half-yard in Length, or half-inch in Breadth, the Sum of Twenty Shillings.

Stamps not to be obliterated. VII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall take off, or in any Manner alter, deface, obliterate, counterfeit, or cut out any of the said Seals, or any of the Figures or Letters stamped thereupon, or any Letter or Letters set or woven in such Cloth, before the same shall be sold or cut by the Retailer, or exported to Parts beyond the Seas by the Merchant or Dealer, every such Person or Persons so offending shall for every such Offence forfeit the Sum of Forty Shillings.

Expences of the Act how to be paid. VIII. And be it further enacted by the Authority aforesaid, That a Sum not exceeding Three Pence for every such Narrow Cloth made or milled within the said West Riding of

the ſaid County of York (which Sum ſhall be ſettled and aſcertained by the Juſtices of the Peace for the ſaid Riding at their General Quarter Seſſions, or the major Part of them then preſent, next after Midſummer next, and afterwards at their General Quarter Seſſions after Eaſter yearly and every Year) ſhall be paid by every Maker or Owner of ſuch Cloth, before the ſame is carried from the Fulling-mill, to ſuch Perſon or Perſons as the ſaid Juſtices of the Peace ſhall appoint to receive the ſame; and that all and every of the Sums of Money ſo raiſed ſhall be applied to defray the Charges and Expences in obtaining this Act, and to pay the Salaries of Searchers, and to defray the other neceſſary Expences of putting this Act in Execution, in ſuch Manner and Proportion as the ſaid Juſtices of the Peace at their ſaid Quarter Seſſions yearly, or the major Part of them then preſent, ſhall direct and appoint.

The Mill Man or Searcher to detain Cloth, till the Money is paid.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for ſuch Mill Man, or Owner or Occupier of every ſuch Fulling-mill, or ſuch Searcher, or ſuch other Perſon as the ſaid Juſtices ſhall appoint to receive the Money to be ſo ſettled and aſcertained to be paid for every ſuch Piece of Narrow Cloth as aforeſaid, to detain ſuch Cloth at the Fulling-mill till the Money ſo payable for the ſame ſhall be paid; and in caſe the Maker or Owner of ſuch Cloth ſhall neglect or refuſe to pay the ſame for the Space of Eight Days after the ſame is demanded, that then and in ſuch Caſe it ſhall and may be lawful for the Perſon ſo appointed to receive the ſaid Money, to ſell One or more Pieces of the ſaid Cloth for the beſt Price that can reaſonably be got for the ſame, and to detain ſo much Money as ſhall be then due from the Owner of the ſaid Cloth by virtue of this Act, out of the Money ariſing by ſuch Sale, returning the Overplus (if any be) upon Demand to the Owner of ſuch Cloth or his Aſſigns.

Offences againſt this Act how to be determined.

X. And it is further enacted by the Authority aforeſaid, That all and every of the Offences in this Act mentioned ſhall be enquired of, heard, and determined by any One or more Juſtice or Juſtices of the Peace in the ſaid Riding, not being Dealers in the Manufacture of Woollen Cloth or in buying or ſelling the ſame, upon the Oath of One or more credible Witneſs or Witneſſes, reaſonable Notice being firſt given to the Perſon or Perſons who ſhall be charged with or accuſed of any Offence or Offences againſt this Act; and that all ſuch Penalties and Forfeitures as ſhall or may happen by Reaſon of this Act, ſhall after Conviction be paid into the Hands of the Juſtice or Juſtices of the Peace before whom the Parties offending ſhall happen to be convicted, who ſhall and is hereby authorized and required (after the Charges of Conviction are deducted) to pay one Moiety thereof to the Informer who ſhall inform, ſue, or proſecute for the ſame, and to pay the other Moiety thereof to the Treaſurer of the ſaid West Riding of the County of York at the next Quarter Seſſions to be held for the ſaid Riding after the ſaid Penalty ſhall be ſo paid, to be applied towards defraying the Expences of carrying this Act into Execution, in ſuch Manner as the Juſtices of the Peace for the ſaid Riding at their ſaid Quarter Seſſions ſhall direct and appoint; and if any Offender or Offenders ſo convicted ſhall by the Space of Ten Days next after his, her, or their Conviction (Notice being thereof given to him, her, or them, at his, her, or their Dwelling-houſe or laſt Place of Abode) neglect or refuſe to pay any Penalty or Forfeiture by him, her, or them incurred by Reaſon of this Act, or ſhall not appeal to the Quarter Seſſions as herein after is provided, that then and in ſuch Caſe it ſhall and may be lawful for the Juſtice or Juſtices of the Peace before whom ſuch Conviction ſhall be made, or any other Juſtice or Juſtices of the Peace for the ſaid Riding, not being a Dealer in Woollen Cloth, upon a Certificate of ſuch Conviction to iſſue out One or more Warrant or Warrants under his or their Hands and Seals to the Conſtable of the Town or Place, or to the Bailiff or Bailiffs of the Liberties, Wapentakes, or Limits where ſuch Offender or Offenders do or ſhall inhabit, thereby commanding him or them to levy the ſame by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, returning the Overplus (if any be) after paying the Charges of ſuch Diſtreſs and Sale to the Owner or Owners thereof who ſhall demand the ſame; and if no ſufficient Diſtreſs can be found, then to commit ſuch Offender or Offenders to the Houſe of Correction within the ſaid West Riding, there to be kept to hard Labour for the Space of one Month.

Penalties how to be diſpoſed of,

and recovered, if not paid.

Proſecutions againſt Mill Men, &c. to be commenced within 8 Days,

or againſt Clothiers and Dealers in Cloth, within 1 Month after the Offence.

XI. Provided always, and it is hereby declared and enacted, That all Informations and Proſecutions whatſoever, which ſhall be brought or proſecuted for any of the Penalties or Forfeitures in this Act mentioned, againſt any Mill Man, or Owner or Occupier of any Fulling-mill, or againſt any Searcher to be appointed in purſuance of this Act, ſhall be commenced and proſecuted within Eight Days after the Cloth, touching which ſuch Offence ſhall ariſe, ſhall be removed from the Fulling-mill; and that all Informations or Proſecutions againſt any Clothier or Maker of or Dealer in Cloth ſhall be commenced within one Month after the Cloth, touching which ſuch Offence ſhall ariſe, is ſold and delivered out of his, her, or their Cuſtody; and that all other Proſecutions and Informations againſt any other Perſons whatſoever for any of the Penalties or Forfeitures in this Act mentioned ſhall be commenced or brought within one Month after the Offence is committed.

Liberty of Appeal to the Quarter Seſſions.

XII. Provided always, and it is hereby enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall find him or herſelf aggrieved by any Order or Warrant made by any Juſtice or Juſtices of the Peace upon any Conviction before him or them in purſuance of this Act, ſuch Perſon or Perſons may appeal to the next General Quarter Seſſions to be held after Fourteen Days from ſuch Conviction, for the ſaid Riding of the ſaid County of York, giving Ten Days Notice of ſuch Appeal to the Perſon or Perſons diſcovering the Offence on which the Conviction was made; and if the Juſtices at their ſaid Quarter Seſſions ſhall think fit either to confirm or diſannul the Orders or Proceedings of the ſaid Juſtice or Juſtices, they ſhall allow ſuch Coſts and Charges to the Party aggrieved thereby, as they ſhall think reaſonable, to be levied and paid in ſuch Manner, as is uſual in Caſes of Appeals from any Order of the Juſtices of the Peace to the Seſſions, whoſe Order herein ſhall be final.

XIII. Provided

Makers may make Cloth of what Length and Breadth they think fit.

XIII. Provided also, and it is hereby declared, That it shall and may be lawful to and for every Clothier, or Maker of Narrow Woollen Cloth, in the said West Riding of the said County of York, to make every Piece of Narrow Woollen Cloth (except as before excepted) to be by him made, from and after the said First Day of August, One thousand seven hundred and thirty eight, of such Length and Breadth as he shall think fit; any Law, Statute, or Usage to the contrary in any wise notwithstanding.

XIV. And whereas several of the said Narrow coloured Cloths are made in the said *West Riding* of the County of *York*, and in Times of great Drought or Frost, and at some other Times, are most conveniently milled in the adjacent Parts of the Counties of *Lancaster*, *Chester*, or *Derby*, where no Mill Men and Cloth Searchers are by this Act appointed to put in Execution the several Powers hereby granted, and afterwards the same Cloths are exposed to sale in the said *West Riding* of the said County of *York*; it is hereby further enacted, That for the better Regulation thereof, all and every such Cloth or Cloths made in the West Riding of the County of York, and so milled in the said Counties of Lancaster, Chester, or Derby, shall, before they are dried and tentered, be brought to the neatest Mill Man and Cloth Searcher in the said West Riding of the said County of York to be by this Act appointed, and be by them measured, and have their Lengths and Breadths stamped and affixed thereto, and shall be in every other Respect conformable to the same Regulations and Payments as such Cloths are, which are both made and milled in the said West Riding, and in Default thereof the Makers or Venders of such Cloths as aforesaid shall be liable to the same Penalties and Forfeitures as those are, who both make and mill Cloths in the said West Riding of the County of York.

Directions for Cloths made in the *West Riding* of *York*, and milled in adjacent Counties.

Actions to be laid in *Com' York.*

XV. Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit after the Commencement of this Act shall be brought, commenced, sued, or prosecuted against any Person or Persons, by this Act authorized to put the same or any Part thereof in Execution, in every such Case the Action shall be laid in the said County of York, and not elsewhere; and every such Person or Persons so sued or prosecuted may to such Action or Suit plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Actions shall be brought in any other County, that then the Jury shall find for the Defendant or Defendants; and that upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, for which he and they shall have the like Remedy, as in Cases wherein Costs are by Law given to Defendants: And that this Act shall be taken and allowed as a publick Act in all Courts within this Kingdom; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

General Issue.

Treble Costs.

Publick Act.

CAP. XXIX.

An Act for repairing the Road from *Shoreditch Church* through *Hackney*, to *Stanford Hill*, and cross *Cambridge Heath*, over *Bethnal Green*, to the Turnpike at *Mile End*, in the County of *Middlesex*.

Preamble.

WHEREAS the Highway or Road leading from the Stones End in the Parish of Saint *Leonard Shoreditch* in the County of *Middlesex*, through the Town of *Hackney*, to *Stanford Hill*, on the great Northern Road, as also the cross Road leading from *Cambridge Heath* over *Bethnal Green*, to the Turnpike now erected at *Mile End* in the said County, by reason of the many heavy Carriages frequently passing through the same, are become very ruinous, and some Parts of the said Roads in the Winter Season are so bad, that Passengers and Carriages cannot pass the same without Danger: And whereas the said Roads cannot, by the ordinary Statute Work appointed by the Laws now in Force for repairing the Highways in this Kingdom, be effectually amended, unless some other Provision be made for raising Money to be applied for that Purpose, *&c.*

Certain Tolls are granted from 1 June, 1738, *for* 21 *Years.*

CAP. XXX.

An Act for explaining and amending an Act of the Eighth Year of His present Majesty's Reign, intituled, *An Act for the Application of the Rents and Profits of the Estates forfeited by the Attainders of* James *late Earl of* Derwentwater, *and* Charles Radcliffe.

Preamble reciting the Acts

WHEREAS *James* late Earl of *Derwentwater* was in the Year of our Lord One thousand seven hundred and fifteen attainted of High Treason, and executed for the same: And whereas *Charles Radcliffe* was also attainted of High Treason in the Year of our Lord One thousand seven hundred and sixteen:

1 *Geo.* I. *c.* 50. And whereas by virtue of an Act of Parliament, in the First Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for appointing Commissioners to enquire of the Estates of certain Traitors and Popish Recusants, and of Estates given to superstitious Uses, in order to raise Money out of them severally for the*

9 *Geo.* I. *c.* 19. *Use of the Publick*; and of one other Act made in the Ninth Year of his said late Majesty's Reign, intituled, *An Act to continue the Duties for Encouragement of the Coinage of Monies; and for Relief of* William *late Lord* Widdrington; *and to prevent foreign Lotteries being carried on in this Kingdom; and for ascertaining the Duties on bound Books imported; and for issuing Certificates and Debentures for Arrears due to Five Regiments, to be satisfied by Annuities therein mentioned; and for discharging the Duties of Rock Salt lost on the Rivers* Weaver *and* Mercy; *and for limiting the Times of Continuance of Commissioners for forfeited Estates in* England *and* Scotland *respectively; and for appropriating the Supplies granted to his Majesty in that Session of Parliament; and to rectify Misnomers and Omissions of Commissioners for the Land Tax, in the Year One thousand seven hundred and twenty*

5 *Geo.* II. *c.* 23. *three*; and of one other Act made in the Fifth Year of His present Majesty's Reign, intituled, *An Act for making void the several Contracts for the Sale of the Estate of* James *late Earl of* Derwentwater, *to* William Smith *Esquire, and also of the Annuity of Two hundred Pounds, during the Life of* Charles Radcliffe, *and the Arrears thereof, to* Matthew White *Esquire, and the several Conveyances made in pursuance of the same*; and of other Acts of Parliament, made and passed in the Reign of his said late Majesty, the Barony, Manor, or Lordship of *Langley* in the County of *Northumberland*, and divers other Manors, Lordships, Messua-

ges,

ges, Lands, Tenements, Rents, and Hereditaments belonging to him the ſaid *James* late Earl of *Derwentwater*, and the ſaid *Charles Radcliffe*, became veſted in his then Majeſty, and afterwards in His preſent Majeſty, for the Uſe of the Publick: And whereas by an Act made in the Eighth Year of His preſent Majeſty's Reign, intituled, *An Act for the Application of the Rents and Profits of the Eſtates forfeited by the Attainders of* James *late Earl of* Derwentwater, *and* Charles Radcliffe; the ſaid Premiſſes are continued veſted in His preſent Majeſty, His Heirs, and Succeſſors; and the Rents, Iſſues, and Profits thereof, are appropriated for the Uſe and Benefit of the Royal Hoſpital for Seamen at *Greenwich*, according to the Directions of the ſaid Act, ſubject to ſuch Incumbrances as are contained in the ſaid Act: And whereas the ſaid Premiſſes being by the ſaid laſt mentioned Act veſted as aforeſaid in His Majeſty, His Heirs, and Succeſſors, in His Politick Capacity, which in Conſideration of Law never dies, it may create a Doubt, whether the Tenants of the ſaid Eſtates ought to do ſuch Acts and Services, and pay ſuch Fines and Sums of Money on the Death of His preſent Majeſty (whom God long preſerve for the Benefit of his People) or on the Death of any future King or Queen of this Realm, as by the Nature and Tenure of their Eſtates, founded upon immemorial Uſage and Cuſtom, or otherwiſe, they ought to have done and performed and paid on the Death of any Lord thereof, in caſe ſuch Lord was a Subject; 8 *Geo.* II. *c.* 29.

be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That upon the Death of His preſent Majeſty, and alſo upon the Death of every ſucceſſive King and Queen of this Realm, all ſuch Acts and Services ſhall be done and performed, and all ſuch Fines and Sums of Money ſhall be paid, by the reſpective Tenants of the ſaid Eſtates to every Succeſſor of His Majeſty, or, in caſe any of the ſaid Eſtates ſhall be ſold, to ſuch other Perſons, who ſhall be the Owner thereof, as by the ancient Tenure thereof, or by any Contract, Law, Uſage, or Cuſtom ought to be done, performed, and paid by them, in caſe ſuch King or Queen ſo dying was conſidered as a private Perſon only, and not in his or her Politick Capacity; and for Default of Performance of ſuch Acts and Services, which ought ſo to be done and performed, and for Default of Payment of any ſuch Fines and Sums of Money, which ought ſo to be paid, ſuch Forfeitures and Penalties ſhall accrue and become due, and it ſhall be lawful for His Majeſty, His Heirs, and Succeſſors, and for all and every Perſon and Perſons by him or them appointed, or who ſhall be then Owner of the ſaid Eſtates, or any of them, to uſe and take all ſuch Ways and Means for recovering and taking Advantage of the ſaid Forfeitures and Penalties, as might be lawfully uſed or taken by any Lord of the ſaid Eſtates, in caſe ſuch King or Queen ſo dying was conſidered as a private Perſon only, and not in his or her Politick Capacity; any Law, Uſage, or Cuſtom to the contrary notwithſtanding: All which ſaid Fines, Sums of Money, Penalties, and Forfeitures, which ſhall accrue and become due to His Majeſty, His Heirs, and Succeſſors, during his and their Intereſt therein, ſhall be applied to and for the Uſe and Benefit of the Royal Hoſpital for Seamen at Greenwich.

Tenants of the ſaid Eſtate to pay the ſame Fines, &c. upon the Death of the King or his Succeſſors, as if they were private Perſons:

To be applied to the Uſe of *Greenwich* Hoſpital.

II. And whereas there are growing or ſtanding on the ſaid Eſtates large Quantities of Timber, which if ſold might raiſe a conſiderable Part of the Money with which the ſaid Eſtates are now incumbered, and be otherwiſe a Benefit to the ſaid Hoſpital: And whereas ſome Doubt hath been raiſed what Method ought to be taken for the Sale of the Timber on the ſaid Eſtates; **be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Attorney General of His Majeſty, His Heirs, and Succeſſors, by his or their Direction to apply to His Majeſty's Court of Exchequer at** Weſtminſter **by Motion in a ſummary Way for the Sale of all or of ſuch Part or Parts of the Timber on the ſaid Eſtates, or any of them, while the ſame ſhall remain unſold, from time to time and at all Times as ſhall be thought fit; upon which Motion it ſhall and may be lawful to and for the ſaid Court of Exchequer to make ſuch Order or Orders and give ſuch Directions for the Sale or Sales of ſuch Timber, and other Orders and Directions therein, as the ſaid Court ſhall think proper; and the Money ariſing by ſuch Sale or Sales ſhall be applied by the Direction of the ſaid Court to the Diſcharge of the ſaid Incumbrances, and in the mean time be paid by the Purchaſers into the Court of Exchequer, or to the Treaſurer of the ſaid Hoſpital for the time being, or be placed out in ſuch Government or other Securities, and in the Names of ſuch Perſons, as the ſaid Court ſhall direct; and in caſe there ſhall happen to be any Surplus of the ſaid Money, the ſame ſhall be applied in the firſt Place for and towards the finiſhing and compleating the Building of the ſaid Royal Hoſpital; and after the Building of the ſame Royal Hoſpital ſhall be compleated and finiſhed, for and towards the Support of the ſaid Royal Hoſpital, for the better Maintenance of the Seamen of the ſaid Royal Hoſpital, worn out and become decrepit in the Service of their Country; and after the ſaid Incumbrances ſhall be totally diſcharged, then all the Produce of or Money ariſing by the Sale or Sales of any Timber on the ſaid Eſtates ſhall be from time to time and at all Times wholly appropriated and applied to the Uſe of the ſaid Hoſpital.**

Method for ſelling the Timber of the ſaid Eſtates.

Money thence ariſing how to be applied.

III. **Provided always, and it is hereby enacted and declared, That it ſhall and may be lawful to and for His Majeſty, His Heirs, and Succeſſors, by Sign Manual to authorize the Commiſſioners and Governors of the ſaid Hoſpital for the time being, or any Seven or more of them, according to their Diſcretions to direct the cutting down from time to time ſuch Timber from off the ſaid Eſtates, to be uſed in the repairing any Houſes, Tenements, Buildings, or Erections on the ſaid Eſtates; and alſo in the building any new Houſes, Tenements, Buildings, or Erections on the ſaid Eſtates, as they ſhall judge neceſſary for any Tenants of the ſaid Eſtates, and to be for the Benefit or Improvement thereof.**

His Majeſty to order the cutting down of ſuch Timber.

IV. And whereas in and by the ſaid laſt mentioned Act there is a Power lodged in the ſaid Court of Exchequer, upon Application as thereby directed, to make ſuch Orders, and give ſuch Directions, as the ſaid Court ſhall think proper, for the Sale or Sales of the abſolute Fee Simple and Inheritance of ſuch Part or Parts of the ſaid Premiſſes ſo forfeited and veſted in His Majeſty as aforeſaid, and charged with the reſpective Mortgages and Incumbrances in the ſaid Act mentioned, as ſhould be ſufficient to diſcharge the ſame; except an Annuity of One hundred Pounds a Year in the ſaid Act mentioned: And whereas the reſt of the ſaid Premiſſes ſo forfeited and veſted in His Majeſty, or ſome of them, which are not charged with the ſaid Mortgages and Incumbrances, may by reaſon of their lying intermixed and in common with

the Eſtates of other Perſons or otherwiſe, be more convenient to be ſold for the Purpoſe aforeſaid, than ſuch of the ſaid Premiſſes which are ſo charged, or ſome of them; be it therefore enacted by the Authority aforeſaid, That for or towards the Diſcharge of the ſaid Mortgages and Incumbrances (except the ſaid Annuity of One hundred Pounds a Year) and not otherwiſe, it ſhall and may be lawful to and for the Attorney General of His Majeſty, His Heirs, and Succeſſors, by his and their Direction, to apply to His Majeſty's ſaid Court of Exchequer by Motion in a ſummary Way for the Sale or Sales to any Perſon or Perſons, being Proteſtants, of the Fee Simple and Inheritance of any of the ſaid Premiſſes ſo forfeited, and veſted in His Majeſty as aforeſaid, or any Part or Parts thereof, which are not charged with the ſaid Mortgages and Incumbrances, as ſhall be thought moſt convenient to be ſold and diſpoſed of; upon which Motion it ſhall and may be lawful to and for the ſaid Court to make ſuch Order or Orders for enquiring into the Conveniency of the Sale of the ſame, and upon Report thereof to make ſuch Order or Orders, and give ſuch Directions, for ſuch Sale or Sales thereof, as the ſaid Court ſhall judge proper, and for cauſing publick Notice to be given of ſuch Sale or Sales, as is uſual in Caſes of Eſtates directed to be ſold by Decrees in Courts of Equity; and to make and give ſuch other Orders and Directions therein, as to that Court in their Diſcretion ſhall ſeem juſt; and the Money ariſing by ſuch Sale or Sales ſhall be applied by the Direction of the ſaid Court for or towards the Diſcharge of the ſaid Incumbrances, or ſome of them, and in the mean time be paid by the Purchaſers into the Court of Exchequer, or to the Treaſurer of the ſaid Hoſpital for the time being, or be placed out in ſuch Government or other Securities, and in the Names of ſuch Perſons, as the ſaid Court ſhall direct; and in caſe there ſhall happen to be any Surplus of the ſaid Purchaſe Money, the ſame ſhall be applied for the Benefit of the ſaid Hoſpital; and upon Payment and Application of ſuch Purchaſe Money as aforeſaid, one or more Grant or Grants, Aſſurance or Aſſurances, of ſuch Parts and Parcels of the ſaid Eſtates and Premiſſes as ſhall be ſo ſold and paid for as aforeſaid, ſhall be made and paſſed under the Great Seal of Great Britain to every ſuch Purchaſer or Purchaſers, his, her, or their Heirs and Aſſigns; and all and every Perſon and Perſons making any ſuch Purchaſe, and having any ſuch Grant or Grants, Aſſurance or Aſſurances as aforeſaid, ſhall from the time of making ſuch Grant or Grants, Aſſurance or Aſſurances, be, and are hereby adjudged to be, ſeized of and intitled to the abſolute Fee Simple, and in the actual Poſſeſſion, of ſuch Part and Parts of the ſaid Premiſſes as ſhall be ſo purchaſed and conveyed.

Incumbrances may be diſcharged by Sale of any of the Premiſſes.

Purchaſers to have Grants thereof.

V. And whereas in and by the ſaid laſt mentioned Act of Parliament it is enacted, That it ſhall and may be lawful for His Majeſty, His Heirs, and Succeſſors, to authorize and impower the Commiſſioners and Governors of the ſaid Royal Hoſpital for the time being, to grant Leaſes of the Premiſſes or any Part or Parts thereof, during ſuch Term of Years, and upon the Conditions of the ſaid Act mentioned; and amongſt other Things it is thereby ordered, that no Clauſe be contained in any of the ſaid Leaſes, giving Power to any Leſſee to commit Waſte, or exempting him, her, or them from Puniſhment for committing the ſame: And whereas within and under ſeveral of the ſaid Lands and Premiſſes are contained ſeveral Mines of Lead, Coal, and other Minerals, as well opened as not opened, which will probably turn to a very great Profit unto the ſaid Royal Hoſpital, for the winning and working whereof it will be neceſſary to make and ſink Pits, Trenches, Groves, Drifts, Water-gates, and Water courſes, and to do ſeveral other Acts and Things within and upon the ſaid Lands and Grounds, which may be reckoned and deemed to be committing Waſte within the Meaning of the ſaid Act; to the End therefore that the ſaid Mines and Minerals, as well unopened as opened, may be effectually won and wrought for the Benefit of the ſaid Hoſpital; be it enacted by the Authority aforeſaid, That it ſhall and may be lawful for His Majeſty, His Heirs, and Succeſſors, during the Continuance of his or their Eſtate in the Premiſſes, by Sign Manual to authorize the Commiſſioners and Governors of the ſaid Hoſpital, or any Seven or more of them, to demiſe and grant all and every or any of the ſaid Mines and Minerals, as well unopened as opened, for any Number of Years not exceeding Twenty one Years, to take Effect in Poſſeſſion and not in Reverſion, reſerving the beſt Rents or Dues that can be reaſonably gotten for the ſame, without taking any Fine, Premium, or free Gift, with full Liberty to the reſpective Leſſees to win and work the ſame Mines and Minerals, and to do every Act and Thing requiſite and neceſſary for that Purpoſe, without reckoning or deeming the ſame to be Waſte, ſo as there be contained in all ſuch Leaſes a Condition of Reentry for Non-payment of Rent, and ſo as the reſpective Leſſees execute Counter-parts of ſuch Leaſes.

Power to leaſe out and work Mines within the Premiſſes.

VI. And whereas the Fines, Cuſtoms, and Services, by and under which ſeveral of the Tenants hold their Farms, Lands, Tenements, and Eſtates, lying and being within ſeveral of the ſaid Manors, are agreed, aſcertained, or expreſſed in ſome Articles, Indenture, Deed, or Writing, now or late in the Cuſtody or Power of ſome of the ſaid Tenants, who refuſe to produce or ſhew the ſame, which if produced might be a Means to prevent Diſputes, Differences, and Suits concerning the ſaid Fines, Cuſtoms, and Services, and for the Quiet and Benefit both of the Lord and Tenants; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Attorney General of His Majeſty, His Heirs, and Succeſſors, by his or their Direction, to apply to His Majeſty's Court of Exchequer at Weſtminſter by Motion in a ſummary Way againſt any Tenant or Tenants holding any Farms, Lands, Tenements, or Eſtates, lying and being within the ſaid Manors, or any of them, of whoſe having in his, her, or their Cuſtody or Power any ſuch Articles, Indenture, Deed, or Writing probable Evidence ſhall be ſhewed to the Satisfaction of the ſaid Court, for ſuch Tenant or Tenants to produce and ſhew forth the ſame; upon which Motion it ſhall and may be lawful to and for the ſaid Court of Exchequer to examine and enquire into the ſaid Matter, and to make ſuch Order or Orders with reſpect to the producing and ſhewing forth any ſuch Articles, Indenture, Deed, or Writing, by any ſuch Tenant or Tenants appearing to the ſaid Court to have the ſame in his, her, or their Cuſtody or Power, and with reſpect to any Copy or Copies to be had and made

Method of obliging the Tenants to produce Writings relating to Fines, &c.

made thereof, and such other Order and Orders concerning the same, as the said Court shall think proper and just.

VII. And whereas it may be a considerable Time before the said Mortgages and Incumbrances can be discharged by Sale of a competent Part of the said Premisses for that Purpose, and the Interest of the principal Money due thereon is partly at the Rate of Five Pounds for One hundred Pounds, and partly at the Rate of Six Pounds for One hundred Pounds for a Year; and it will be a Benefit to the said Hospital for the said Money to be at a less Rate; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for His Majesty, His Heirs, and Successors, by Sign Manual to authorize the Commissioners or Governors of the said Hospital for the time being, or any Seven or more of them, to agree with the respective Mortgagees and Incumbrancers of the said Premisses in the said last mentioned Act named, their Executors, Administrators, or Assigns, or any of them, for any less Rate or Interest for the principal Money due on their Securities respectively, than the same is now at; and in case the said Mortgagees and Incumbrancers shall not so agree, then to agree with any other Person or Persons for the advancing Money at any less Rate or Interest than aforesaid, for paying off the principal Money due on the said Mortgages and Incumbrances, or any of them, upon the same being assigned unto such Person or Persons respectively so advancing such Money. and to reduce the Rate of Mortgages.

VIII. Provided always, That such Assignments shall be made for the respective principal Money only of the said Mortgages and Incumbrances, or any of them, and for the Interest of such principal Money to grow due from and after the making of such Assignments respectively; and that the said principal Money and Interest thereof in all such Assignments shall be made payable at the end of Six Months at the farthest from the Day of the making of such Assignments respectively. Proviso.

IX. And whereas it may be doubtful on the Words of the said last mentioned Act, whether any Lease can be good by virtue of the said Act, unless executed by all the Commissioners, which will be impracticable; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, His Heirs, and Successors, by his and their Sign Manual to authorize and impower the Commissioners and Governors for the time being, or any Seven or more of them, from time to time during the Continuance of His Majesty's Interest in the Premisses, to grant Leases thereof, or of any Part or Parts thereof, in such Manner, for such Terms, and under such Restrictions, as in the said last mentioned Act and in this present Act are for that Purpose expressed and contained, reserving the Rents thereof to His Majesty, His Heirs, and Successors, which Rents shall be received and applied in the Manner directed by the said last mentioned Act. Seven Commissioners to act.

X. And be it further enacted by the Authority aforesaid, That this Act, and every Clause and Matter therein, shall by all and every Judge and Judges and other Person and Persons be construed and adjudged as largely and beneficially in all Courts of Law and Equity, and all other Places, as can be for the Ends and Purposes herein expressed, and is hereby declared to be a Publick Act of Parliament; and all Judges and Justices are hereby required to take Notice thereof as such, without special pleading the same. Publick Act.

XI. Saving always to the King's most Excellent Majesty, His Heirs, and Successors, all such Right, Title, Estate, Interest, Claim, and Demand of, in, unto, or out of the said Premisses, or any Part thereof, as His Majesty, His Heirs, or Successors, might have had or been intitled unto, in case this Act had never been made (other than and except such Right, Title, Estate, Interest, Claim, and Demand, as was or is vested in His Majesty, His Heirs, and Successors, by virtue of the several Attainders herein before mentioned, or either of them, or of the said recited Acts of Parliament, or any of them; and other than and except such Right, Title, Estate, Interest, Claim, and Demand, which His Majesty, His Heirs, and Successors, hath or may have in or to such Part or Parts of the said Premisses, which shall be sold pursuant to the Directions of this Act) any thing herein contained to the contrary in any wise notwithstanding. His Majesty's,

XII. Saving also to the said several Mortgagees and Incumbrancers in the aforesaid Act of the Eighth Year of His present Majesty named (till they shall be paid off as aforesaid) and to all and every other Person and Persons, Bodies Politick and Corporate, their Heirs, Successors, Executors, Administrators, and Assigns, all such Right, Title, Estate, Interest, Claim, and Demand of, in, unto, or out of the said Premisses, or any Part thereof (except such Part or Parts of the said Premisses which shall be sold pursuant to the Directions of this Act) as they or any of them might have had or been intitled unto, in case this Act had never been made; any thing herein contained to the contrary notwithstanding. nor the Claimants Rights in the Premisses, hereby prejudiced.

CAP. XXXI.

An Act to indemnify Persons who have omitted to quality themselves for Offices, or to read the Prayers and make the Declarations and Subscriptions required within the respective Times limited by Law; and for allowing further Time for those Purposes.

WHEREAS divers Persons who on Account of their Offices, Places, Employments, or Professions, or on any other Cause or Occasion, ought to have taken and subscribed the Oaths, or the Assurance respectively appointed to be taken by such Persons, in and by an Act made in the First Year of the Reign of His late Majesty King *George* the First, of Glorious Memory, intituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown to the Heirs of the late Princess* Sophia *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors*; or any other Oath by Law required to have been taken; or to have qualified themselves, according to an Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers that may happen from Popish Recusants*; by receiving the Sacrament of the Lords Supper, according to the Usage of the Church of *England*, and making and subscribing the Declaration against Transubstantiation therein mentioned, have through Ignorance of the Law, Absence, or some Preamble reciting the Acts 1 *Geor* I. *c.* 13. and 25 *Car.* II. *c.* 2.

other Accident, omitted to take and ſubſcribe the Oaths or Aſſurance as required by Law, or otherwiſe to qualify themſelves within ſuch Time, and in ſuch Manner, as in and by the ſaid Acts reſpectively, or by any other Act of Parliament in that Behalf made and provided is required, whereby they may be in danger of incurring divers Penalties and Diſabilities: **For quieting the Minds of His Majeſty's Subjects, and for preventing any Inconvenience that might otherwiſe happen by Means of ſuch Omiſſions, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon or Perſons, who ſhall, on or before the Twenty eighth Day of** November, **in the Year of our Lord One thouſand ſeven hundred and thirty eight, take and ſubſcribe the ſaid Oaths and Aſſurance reſpectively, in ſuch Caſes wherein the ſaid Oaths or Aſſurance ought to have been taken and ſubſcribed, in ſuch Manner and Form, and at ſuch Place and Places, as are appointed in and by the ſaid Act made in the Firſt Year of the Reign of His ſaid late Majeſty King** George **the Firſt; and alſo receive the Sacrament of the Lords Supper according to the Uſage of the Church of** England, **and make and ſubſcribe the ſaid Declaratian againſt Tranſubſtantiation, in ſuch Caſes wherein the ſaid Sacrament ought to have been received, and the ſaid Declaration ought to have been made and ſubſcribed; and all and every Perſon and Perſons who has, or have omitted to take any Oath or Oaths of Office, and ſhall take the ſame in the Manner required by Law, on or before the Firſt Day of** Auguſt, **in the Year of our Lord One thouſand ſeven hundred and thirty eight, ſhall be, and is, and are hereby indemnified, freed, and diſcharged of, from, and againſt all Penalties, Forfeitures, Incapacities, and Diſabilities incurred, or to be incurred, for or by Reaſon of any former Neglect or Omiſſion of taking and ſubſcribing the ſaid Oaths or Aſſurance, or receiving the ſaid Sacrament, or making or ſubſcribing the ſaid Declaration, or taking ſuch Oath or Oaths of Office reſpectively, and is, are, and ſhall be fully and actually recapacitated and reſtored to the ſame State and Condition, as ſuch Perſon and Perſons was or were in before ſuch Neglect or Omiſſion; and ſhall be deemed and adjudged to have duly qualified him, her, or themſelves according to Law; and that all Acts done or to be done by any ſuch Perſon or Perſons, or by Authority derived from him, her, or them, are and ſhall be of the ſame Force and Validity, as the ſame or any of them would have been, if ſuch Perſon or Perſons had taken and ſubſcribed the ſaid Oaths and Aſſurance, and received the Sacrament of the Lords Supper, and made and ſubſcribed the ſaid Declaration, and taken ſuch Oath or Oaths of Office reſpectively, according to Law; and that ſuch Perſon or Perſons qualifying themſelves in the Manner and within the Time appointed by this Act, ſhall be to all Intents and Purpoſes as effectual, as if ſuch Perſon or Perſons had reſpectively taken and ſubſcribed the reſpective Oaths and Aſſurance, and received the ſaid Sacrament, and made and ſubſcribed the ſaid Declaration within the Time, and in the Manner appointed by Law for ſuch Purpoſes.**

Perſons qualifying themſelves according to the ſaid Acts by 28 *Nov.* 1738,

and taking the Oaths of Office by 1 *Aug.* 1738. indemnified,

and their Acts valid.

Act 13 *Eliz.* *cap.* 12.

II. And whereas by an Act of Parliament made in the Thirteenth Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Miniſters of the Church to be of ſound Religion*, it was amongſt other Things enacted, That every Perſon to be admitted to a Benefice with Cure, except that within Two Months after his Induction he do publickly read the Articles, whereupon it was agreed by the Archbiſhops and Biſhops of both Provinces, and the whole Clergy, in the Convocation holden at *London* in the Year of our Lord God One thouſand five hundred and ſixty two, according the Computation of the Church of *England*, for avoiding of the Diverſities of Opinions, and for the eſtabliſhing of Conſent touching true Religion, put forth by the Queen's Authority, in the ſame Church whereof he ſhall have Cure, in the time of Common Prayer there, with Declaration of his unfeigned Aſſent thereunto, ſhall be upon ſuch Default *ipſo facto* immediately deprived: And whereas by an Act of Parliament made in the Thirteenth and Fourteenth Years of the Reign of His late Majeſty King *Charles* the Second, intituled, *An Act for the Uniformity of Publick Prayers and Adminiſtration of Sacramerts, and other Rites and Ceremonies; and for eſtabliſhing the Form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons in the Church of* England; it was (amongſt other Things) enacted, That every Perſon who ſhould thereafter be preſented, or collated, or put into any Eccleſiaſtical Benefice or Promotion within the Realm of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, ſhould in the Church, Chapel, or Place of Publick Worſhip belonging to his ſaid Benefice or Promotion, within Two Months next after that he ſhould be in the actual Poſſeſſion of the ſaid Eccleſiaſtical Benefice or Promotion, upon ſome Lord's Day, openly, publickly, and ſolemnly read the Morning and Evening Prayer appointed to be read, by and according to the Book of Common Prayer therein before mentioned, at the times thereby appointed, or to be appointed; and after ſuch reading thereof ſhould openly and publickly before the Congregation there aſſembled declare his unfeigned Aſſent and Conſent to the Uſe of all Things therein contained and preſcribed, according to the Form therein before appointed; and that all and every ſuch Perſon who ſhould (without ſome lawful Impediment to be allowed and approved of by the Ordinary of the Place) neglect or refuſe to do the ſame within the time aforeſaid, or in caſe of ſuch Impediment within One Month after ſuch Impediment removed, ſhould *ipſo facto* be deprived of all his ſaid Eccleſiaſtical Benefices and Promotions; and that from thenceforth it ſhould be lawful for all Patrons and Donors of all and ſingular the ſaid Eccleſiaſtical Benefices and Promotions, or any of them, according to their reſpective Rights and Titles, to preſent or collate to the ſame, as though the Perſon or Perſons ſo offending or neglecting were dead; and alſo that every Dean, Canon, and Prebendary of every Cathedral or Collegiate Church, and all Maſters and other Heads, Fellows, Chaplains, and Tutors of or in any College, Hall, Houſe of Learning, or Hoſpital, and every publick Profeſſor and Reader in either of the Univerſities, and in every College elſewhere, and every Parſon, Vicar, Curate, Lecturer, and every other Perſon in Holy Orders, and every Schoolmaſter keeping any publick or private School, and every Perſon inſtructing or teaching any Youth in any Houſe or private Family, as a Tutor or Schoolmaſter, who upon the Firſt Day of *May*, which ſhould be in the Year of our Lord One thouſand ſix hundred and ſixty two, or at any time thereafter ſhould be incumbent or have Poſſeſſion of any Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſor's Place, or Reader's Place, Parſonage, Vicarage, or any other Eccleſiaſtical Dignity or Promotion, or of any Curate's Place, Lecture, or School, or ſhould inſtruct or teach any Youth as Tutor or Schoolmaſter, ſhould before the Feaſt Day of Saint *Bartholomew*,

Act 13 & 14 *Car.* II. *c.* 4.

tholomew, which ſhould be in the Year of our Lord One thouſand ſix hundred and ſixty two, or at or before his or their reſpective Admiſſion to be Incumbent or have Poſſeſſion, ſubſcribe a Declaration or Acknowledgement, wherein (among other Words which by an Act of Parliament made in the Firſt Year of the Reign of their late Majeſties King *William* and Queen *Mary*, are directed from thenceforth not to be enjoined or required) are contained the Words following, that is to ſay; *I* A. B. *do declare, That I will conform to the Liturgy of the Church of* England *as it is now by Law eſtabliſhed*, upon Pain that all and every of the Perſons aforeſaid failing in ſuch Subſcription ſhould loſe and forfeit ſuch reſpective Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſor's Place, Reader's Place, Parſonage, Vicarage, Eccleſiaſtical Dignity, or Promotion, Curate's Place, Lecture, and School, and ſhould be utterly diſabled, and *ipſo facto* deprived of the ſame; and that every ſuch reſpective Deanry, Canonry, Prebend, Maſterſhip, Headſhip, Fellowſhip, Profeſſor's Place, Reader's Place, Parſonage, Vicarage, Eccleſiaſtical Dignity, or Promotion, Curate's Place, Lecture, and School ſhould be void, as if ſuch Perſons ſo failing were naturally dead: And whereas ſeveral Perſons have, through Ignorance or Inadvertency, either wholly omitted to read the ſaid Articles with Declaration of their unfeigned Aſſent thereunto, and to read the ſaid Prayers, and to make and ſubſcribe the ſaid ſeveral Declarations, or one of them, or have not done it within the Time and in the Manner by Law required, and have thereby incurred the Forfeitures in ſuch Caſes inflicted by the ſaid recited Acts of the Thirteenth Year of Queen *Elizabeth*, and of the Thirteenth and Fourteenth Years of King *Charles* the Second, and the validity of Leaſes made and other Acts done by them, or ſome of them, ſince ſuch Forfeitures incurred, may by Reaſon thereof be controverted and avoided; **now for the Relief of all ſuch Perſons who have neglected to read the ſaid Articles, with Declaration of their unfeigned Aſſent thereunto, and to read the ſaid Prayers, and to make and ſubſcribe the ſaid Declarations, and have not duly and in due Time read the ſaid Articles with Declaration of their unfeigned Aſſent thereunto, and read the ſaid Prayers, and made and ſubſcribed the ſaid Declarations, or either of them, and for quieting the Minds of Perſons claiming under ſuch Leaſes or Acts, as aforeſaid; be it enacted by the Authority aforeſaid, That all and every Perſon or Perſons required by Law to read the ſaid Articles with Declaration of their unfeigned Aſſent thereunto, or to read the ſaid Prayers, and to make or ſubſcribe ſuch Declarations, or either of them, or who have or hath neglected or omitted to read the ſaid Articles with Declaration of their unfeigned Aſſent thereunto, or to read the ſaid Prayers, and to make and ſubſcribe the ſaid Declarations, or either of them, at ſuch Time, and in ſuch Manner, as by the ſaid recited Acts of Parliament of the Thirteenth Year of Queen Elizabeth, and of the Thirteenth and Fourteenth Years of King Charles the Second, or any other Act or Acts of Parliament in that Behalf is required; and ſhall on or before the Twenty fourth Day of December, in the Year of our Lord One thouſand ſeven hundred and thirty eight, read the ſaid Articles, with Declaration of their unfeigned Aſſent thereunto, and read the ſaid Prayers, and make and ſubſcribe the ſaid Declarations, or ſuch of them reſpectively as ought to have been by ſuch Perſon or Perſons made or ſubſcribed as aforeſaid, before ſuch Perſon and in ſuch Manner as is required by any ſuch Act or Acts of Parliament; ſhall be, and is, and are hereby indemnified from all Forfeitures and Penalties incurred by reaſon of any ſuch former Neglect or Omiſſion of reading the ſaid Articles with Declaration of their unfeigned Aſſent thereunto, or of reading the ſaid Prayers, and making or ſubſcribing the ſaid Declarations, or either of them; and ſhall hereby be deemed and adjudged to have duly qualified him and themſelves as effectually, as if he or they had read the ſaid Articles with Declaration of his or their unfeigned Aſſent thereunto, and had read the ſaid Prayers, and made and ſubſcribed the ſaid Declarations reſpectively, within the Time and in the Manner limited by any Act or Acts of Parliament requiring the ſame; and that all Acts done or to be done by any ſuch Perſon or Perſons, or by Authority derived from him or them, are and ſhall be of the ſame Force and Validity, as the ſame would have been, if ſuch Perſon and Perſons had read the ſaid Articles with Declaration of his or their unfeigned Aſſent thereunto, and had read the ſaid Prayers, and made and ſubſcribed the ſaid Declarations reſpectively, according to the Directions of the ſaid Acts or any of them; and that ſuch Perſon or Perſons qualifying him or themſelves within the Time appointed by this Act ſhall be to all Intents and Purpoſes as effectual, as if ſuch Perſon or Perſons had read the ſaid Articles with Declaration of his or their unfeigned Aſſent thereunto, and had read the ſaid Prayers, and made and ſubſcribed the ſaid Declarations reſpectively, within the Time and in ſuch Manner as is limited by any ſuch Act or Acts of Parliament in that Behalf.**

All Perſons required by Law to read the Articles of Religion, and the Prayers, indemnified, if they do ſo by 24 *Dec.* 1738.

and their Acts valid.

III. **Provided always, That this Act or any thing herein contained ſhall not extend or be conſtrued to extend to reſtore or intitle any Perſon or Perſons to any Office or Employment, Dignity, Promotion, Benefice, Matter, or Thing whatſoever, which hath been forfeited by him or them through ſuch Neglect or Omiſſion as aforeſaid, and is already actually avoided by Judgement of any of His Majeſty's Courts of Record, or already filled up or enjoyed by any other Perſon or Perſons; but that ſuch Office, Employment, Dignity, Promotion, Benefice, Matter, or Thing, ſo avoided or filled up and enjoyed as aforeſaid, ſhall be and remain in and to the Perſon and Perſons, who is or are now intitled to the ſame, as if this Act had never been made.**

This Act not to reſtore Perſons to Places already forfeited.

CAP. XXXII.

An Act for enlarging the Time granted by an Act paſſed in the Third Year of the Reign of his late Majeſty King *George*, intituled, *An Act for enlarging the Time granted by an Act paſſed in the Eighth Year of the Reign of her late Majeſty Queen* Anne, intituled, *An Act for making a convenient Dock or Baſon at* Liverpool, *for the Security of all Ships trading to and from the ſaid Port of* Liverpool; and for enlarging the ſame, by making an additional Dock, and building a Pier in the open Harbour there; and for enlightening the ſaid Dock.

Preamble, reciting the Act 8 *Annæ*, *c.* 12.

WHEREAS by an Act made and paſſed in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for making a convenient Dock or Baſon at* Liverpool, *for the Security of all Ships trading to and from the ſaid Port of* Liverpool, the Mayor, Aldermen, Bailiffs, and Common Council of the Borough of *Liverpool*, were impowered to make a wet Dock or Baſon, with Wharfs, Sluices, and

Canals, in and upon a certain Piece or Parcel of Ground in the ſaid Act mentioned, which had been appointed and ſet apart by an Order of the ſaid Common Council for that Purpoſe, and certain Rates, Tonnage, Keelage, and Duties upon all Ships, Veſſels, Barks, or Lighters (except the Queen's Ships of War and others employed in her then Majeſty's Service) trading or coming into or out of the ſaid Port of *Liverpool* with any Goods or Merchandiſe, were by the ſaid Act granted and directed to be levied and paid to the ſaid Mayor, Aldermen, Bailiffs, and Common Council for the time being, and their Succeſſors, or to their Collectors or Deputies, to be from time to time appointed, for the Term of Twenty one Years, from the Twenty fourth Day of June, One thouſand ſeven hundred and ten, and to be applied for the building and repairing the ſaid new Dock or Baſon, and other Works in and about the ſame, and for ſecuring, preſerving, amending, and maintaining the ſaid Dock or Baſon, and Harbour of *Liverpool*, and to no other Uſe or Purpoſe whatſoever; and the ſaid Mayor, Aldermen, Bailiffs, and Common Council for the time being, and their Succeſſors, were thereby impowered, by Indenture under their Common Seal to convey and aſſure the Duties granted by the ſaid Act, as a Security for any Sum or Sums of Money by them to be borrowed for the Ends and Purpoſes of the ſaid Act, to any Perſon or Perſons that ſhould advance ſuch Sum or Sums of Money upon ſuch Security, which Money ſo to be borrowed was thereby directed to be employed for and towards the building and erecting the ſaid Dock or Baſon and other Works, for the ſecuring, preſerving, and amending the ſaid Dock or Baſon; but the Duties granted by the ſaid Act ſhould not be at any Time conveyed and made a Security for or charged with any greater or farther Sum than Six thouſand Pounds: And it was by the ſaid Act further enacted, That from and after the ſaid Term of Twenty one Years, and ſo long as the ſaid Dock or Baſon and other Works ſhould be continued or kept up, there ſhould be paid to the ſaid Mayor, Aldermen, Bailiffs, and Common Council for the time being, and their Succeſſors, not exceeding One fourth Part of the Rates and Duties therein mentioned, to be collected, levied, paid, and accounted for, in the ſame Manner, and under the Penalties and Forfeitures therein alſo mentioned and provided, for the collecting, levying, paying, and accounting for the Rates and Duties firſt mentioned in the ſaid Act; and it was alſo thereby enacted, That there ſhould be Nine Commiſſioners to inſpect the Accounts of all the Collections, Receipts, and Diſburſements of all ſuch Monies as ſhould be collected and levied by virtue of the ſaid Act, whereof Three were to be nominated yearly by the Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough of *Liverpool*, in Common Council aſſembled, other Three to be in like Manner nominated and appointed by the Juſtices of Peace for the County of *Lancaſter* at their Seſſions held at *Ormeskirk*, and other Three to be in like Manner nominated by the Juſtices of Peace for the County Palatine of *Cheſter*, at their ſeveral and reſpective Seſſions held yearly after *Eaſter*; which ſaid Commiſſioners ſo nominated, or any Five of them, were thereby authorized from time to time, giving due Notice, to call before them the Collectors, Receivers, and others, who had been or ſhould be intruſted with the Receipt, Collection, or Employment of the Monies received and collected in purſuance of the ſaid Act, who ſhould be required to render ſuch Accounts to the ſaid Commiſſioners, or any Five of them; and the ſaid Commiſſioners were thereby impowered to order and appoint all ſuch Monies which ſhould reſt due on ſuch Account, to be laid out and expended to and for the Uſes and Purpoſes in the ſaid Act mentioned, and to and for no other Uſe whatſoever: And whereas by another Act of Parliament made and paſſed in the Third Year of the Reign of his late Majeſty King *George* the Firſt, for enlarging the Time granted by the ſaid Act paſſed in the Eighth Year of the Reign of her ſaid late Majeſty Queen *Anne*, all and every the Sum and Sums of Money, Rates, Tonnage, Keelage, and Duties granted and directed to be levied by the ſaid firſt recited Act; and all the Clauſes, Powers, Proviſions, Penalties, Forfeitures, and Exceptions therein mentioned, concerning the Collection and Payment of the ſaid Duties, and Management of the ſaid Dock or Baſon and other Works, were continued, and enacted, and declared to be in Force, from and after the Expiration of the ſaid Term of Twenty one Years (for which the ſame were granted by the ſaid former Act) for and during and unto the full End and Term of Fourteen Years from thence next enſuing, and fully to be compleat and ended; and it was by the ſaid Act of the Third Year of his ſaid late Majeſty's Reign enacted, That all and every Sum and Sums of Money to be collected and received by virtue of the ſaid laſt mentioned Act, and the ſaid former Act, ſhould be appropriated and employed, as well towards ſatisfying, paying, and diſcharging all and any Sum and Sums of Money borrowed, advanced, or received by the ſaid Truſtees, over and above the ſaid Sum of Six thouſand Pounds, as for and towards carrying on, compleating, and finiſhing the ſaid Dock or Baſon, and all other Works in and about the ſame, and erecting and placing ſuch proper Land Marks, Buoys, and other Directions at the Mouth and Entrance into the ſaid Harbour, as by the ſaid Mayor, Aldermen, Bailiffs, and Common Council of the Borough and Corporation for the time being, ſhould be thought needful or proper; and that after the Expiration of the ſaid Term of Fourteen Years, the Fourth Part of the ſaid Duties granted in and by the ſaid former Act ſhould commence and take Place, and not before; and the Mayor, Bailiffs, and Burgeſſes of the ſaid Borough and Corporation for the time being were by the ſaid laſt recited Act impowered, by Indenture or other Writing under the Common Seal of the ſaid Borough and Corporation to convey and ſecure, as well all ſuch of the Duties granted by the ſaid former Act for the ſaid Term of Twenty one Years as were not then conveyed, as alſo the Duties continued and granted by the ſaid Act of the Third Year of His ſaid late Majeſty, as a Security for any Sum or Sums of Money to be borrowed for the Ends and Purpoſes of the ſaid ſeveral Acts, to any Perſon or Perſons that ſhould advance ſuch Sum or Sums of Money upon ſuch Security, ſo that the Duties thereby granted ſhould not at any Time be charged with a greater or further Sum than Four thouſand Pounds: And whereas the ſaid Dock or Baſon hath been made, finiſhed, and perfected purſuant to the Directions of the ſaid recited Acts, and made capable of taking, receiving, and harbouring a conſiderable Number of Ships, which has tended to the Increaſe of Navigation, and Improvement of Trade within the ſaid Town and Port of *Liverpool*; and in order to enable the Truſtees to finiſh and compleat the ſaid Dock or Baſon, they borrowed and took up upon the Credit of the ſaid recited Acts ſeveral Sums of Money, and there now remains due to the Perſons who advanced and lent the ſame on that Account the Principal Sum of Four thouſand eight hundred and thirty Pounds at Intereſt: And whereas by reaſon of the Straitneſs of the Entrance into the ſaid Dock or Baſon from the open Harbour of *Liverpool*, the Navigation into and from the ſaid Dock or Baſon is greatly obſtructed, and Ships and Veſſels lying in the ſaid Dock or Baſon are frequently prevented from getting out to Sea, and Ships and Veſſels lying in the Harbour without the ſaid Dock or Baſon are frequently forced on Shore and loſt, to the great Damage of the Merchants and Owners of Ships, and the Trade of the ſaid Town and Port of *Liverpool*: And whereas in caſe the ſaid Dock or Baſon was enlarged, and a Pier erected and built in the open Harbour of *Liverpool* on the North Side of the Entrance into the ſaid Dock or Baſon, ſuch Loſſes, Miſchiefs, and Inconveniencies might in a great Meaſure be prevented, and the Harbour be rendered more ſafe and commodious for the lying, lading, and unlading of Ships and other Veſſels reſorting thereto, or trading within the ſaid Port; and the Mayor, Aldermen, Bailiffs, and Common Council

3 *Geor.* I. *not printed.*

Council of the ſaid Borough and Corporation of *Liverpool* have agreed to grant another Piece of Ground, containing Seven Acres, or thereabouts, Parcel of the Ground belonging to the ſaid Corporation, adjoining to the Entrance into the ſaid Wet Dock or Baſon on the North and South Sides of ſuch Entrance, wherein ſuch Pier and additional Dock may be made and erected, to be held, uſed, applied, and enjoyed for that Purpoſe for ever; and have alſo agreed to lay out, apply, and advance out of the Common Stock of the ſaid Corporation the Sum of One thouſand Pounds, for accompliſhing ſo neceſſary and uſeful a Work: But as the Rates and Duties ariſing by virtue of and under the ſaid recited Acts, and the Sum ſo agreed to be contributed and advanced by the ſaid Corporation, will not be ſufficient to anſwer the Expences of ſuch new Works, and diſcharge the Debt due on the Securities made in purſuance of the ſaid former Acts, a Deſign ſo uſeful and beneficial to the ſaid Town and Port of *Liverpool* and to the Trade and Navigation of the Kingdom cannot be effected and carried into Execution, unleſs the ſaid former Acts, and the Terms, Rates, and Duties thereby granted and continued be enlarged, and other Proviſions made for the Purpoſes before mentioned; **may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, the ſaid Piece or Parcel of Ground containing Seven Acres or thereabouts, ſo agreed to be granted by the ſaid Corporation as aforeſaid, ſhall be, remain, enure, and be applied, and employed to and for the Uſe, Intent, and Purpoſe herein before mentioned, and to no other Uſe, Intent, or Purpoſe whatſoever; and that it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough of** Liverpool, **and their Succeſſors, and they ſhall have by this Act full Power and Authority, to enlarge or make an Addition to the ſaid Wet Dock, and erect, build, and ſet up a Pier in the open Harbour of** Liverpool **on the North Side of the Entrance into the ſaid Wet Dock or Baſon, of ſuch Materials and Dimenſions as to them ſhall ſeem requiſite and neceſſary for the Purpoſes before mentioned.** Power to enlarge the Dock, &c.

II. **And for the better effecting and accompliſhing the ſaid Work, it is hereby further enacted by the Authority aforeſaid, That the ſaid recited Acts made in the Eighth Year of the Reign of her late Majeſty Queen** Anne, **and in the Third Year of the Reign of his late Majeſty King** George **the Firſt, reſpectively, and all and every the Rates, Duties, Powers, Clauſes, Penalties, and Forfeitures thereby enacted to be levied and executed, and therein inſerted and contained, relating to the ſaid Dock or Baſon and Port of** Liverpool (except ſo far as the ſame or any of them are in and by this preſent Act enlarged, altered, or otherwiſe explained) **ſhall be and they are hereby declared to be in full Force, and ſhall be further continued from the Expiration of the Term granted and continued by the ſaid recited Act paſſed in the Third Year of the Reign of his late Majeſty King** George, **for and during the further Term of Thirty one Years, in as full, large, ample, and beneficial Manner, to all Intents and Purpoſes, as if the ſame had been expreſſly inſerted and re-enacted in the Body of this preſent Act.** Continuation of the Acts 8 *Ann.* and 3 *Geo.* I.

III. **And it is hereby further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, the Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough and Corporation of** Liverpool **for the time being, ſhall and may, and they are hereby authorized and impowered from time to time, by Writing or Writings under the Common Seal of the ſaid Corporation, to grant, bargain, ſell, mortgage, aſſign, and ſet over the ſeveral Rates, Duties, Tonnage, Keelage, Sum and Sums of Money, given, granted, continued, and directed to be levied by virtue of and under the ſaid former Acts, and this preſent Act, or of any of them (ſubject nevertheleſs to the ſeveral prior Aſſignments, Mortgages, Securities, and Incumbrances which ſhall be then ſubſiſting upon and affect the ſame Premiſſes) unto any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereupon, for and during all or any Part or Parts of the Term and Terms, for which the ſaid Rates and Duties were and are by the former Acts, and this preſent Act, or any of them, granted and continued reſpectively, for the raiſing any Sum or Sums of Money not exceeding in the whole the Sum of Fourteen thouſand Pounds, and for ſecuring the Repayment of the Sum or Sums of Money ſo to be advanced and lent, with Intereſt for the ſame reſpectively; which Money ſo to be borrowed and raiſed in purſuance of this Act ſhall be applied and diſpoſed of in the firſt Place, for paying and defraying the Charges and Expences attending the obtaining and paſſing this Act of Parliament; and in the next Place, for or towards diſcharging ſuch Sum and Sums of Money as hath or have been borrowed by and advanced to the Truſtees of the ſaid former Acts in purſuance and upon the Credit of the ſame Acts reſpectively, or either of them, which now remain due and unſatisfied, and all Intereſt attending the ſame; and afterwards, in, for, and towards the making, erecting, building, and finiſhing ſuch new Pier, and additional Wet Dock or Baſon, and other Works, in Manner and for the Purpoſes herein before mentioned, and for the maintaining, ſupporting, and preſerving the preſent Wet Dock or Baſon, and Buoys and Land Marks erected, built, and ſet up, in purſuance of the ſaid former Acts, and the executing and performing of all neceſſary Works in, about, and concerning the ſame.** Duties aſſignable for Money borrowed. Monies how to be applied.

IV. **And it is hereby further enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty eight, there ſhall be Twelve Commiſſioners to inſpect, audit, and adjuſt the Account of all the Collections, Receipts, and Diſburſements of all the Monies collected and levied, and which ſhall be collected and levied by virtue and in purſuance of the ſaid former Acts, and this preſent Act; whereof Four ſhall be yearly nominated by the Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough or Corporation of** Liverpool **aforeſaid, in their Common Council aſſembled; and the other Eight of the ſaid Commiſſioners ſhall be nominated by the Merchants inhabiting in the Town of** Liverpool, **and being Owners or Part-owners of Ships belonging to the Port of** Liverpool **aforeſaid, or the major Part of them, ſo as none of the ſaid Commiſſioners to be nominated by the ſaid Merchants be Members of the ſaid Common Council at the Time of ſuch Nomination; which ſaid Twelve ſo to be appointed ſhall be inveſted with ſuch and the ſame Powers and Authorities in all** Twelve Commiſſioners appointed.

Reſpects,

Reſpects, and to all Intents, Conſtructions, and Purpoſes, as were given to and veſted in the Commiſſioners appointed in purſuance of the ſaid former Acts, or either of them.

Commiſſioners how and when to be choſen.

V. And it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Merchants of Liverpool, Owners or Part-owners of Ships as aforeſaid, or the major Part of them, and they are hereby required, to meet together at and in the Common Hall of the ſaid Borough and Corporation of Liverpool aforeſaid, on the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty eight, at Ten a Clock in the Forenoon; and ſo yearly and every Year on the Twenty fourth Day of June, during the Continuance of this Act, except when the ſame ſhall happen to be on Sunday and then on the Monday following; and then and there by Writing under their Hands elect, nominate, and appoint Eight Perſons, not being Members of the ſaid Common Council, to be Commiſſioners for the Purpoſes of this Act; and alſo from time to time ſhall and are hereby required to appoint and hold ſuch ſubſequent Meetings, for the Execution of any of the Powers and Authorities veſted in them by this preſent Act, as to them or the major Part of them ſhall ſeem requiſite and convenient.

Their Vacancies to be ſupplied.

VI. And be it further enacted by the Authority aforeſaid, That when and as often as any of the Commiſſioners to be appointed by the Merchants, or the major Part of them, in purſuance of this Act, ſhall die, remove, or refuſe to act, it ſhall and may be lawful to and for the ſaid Merchants, or the major Part of them, and they are hereby required, from time to time by Writing under their Hands to nominate and appoint another Commiſſioner in the Room and Stead of every ſuch Commiſſioner ſo from time to time dying, removing, or refuſing to act; and alſo that when and as often as any of the Commiſſioners to be appointed by the ſaid Corporation by virtue hereof ſhall die, remove, or refuſe to act, it ſhall and may be lawful to and for the Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Corporation, in Common Council aſſembled, from time to time by their Order in Council to nominate and appoint another Commiſſioner in the Room and Stead of every ſuch Commiſſioner ſo from time to time dying, removing, or refuſing to act; and every ſuch Commiſſioner ſo to be appointed by the ſaid Corporation and Merchants reſpectively ſhall have the like Power and Authority by virtue of this Act, as the Commiſſioner, in whoſe Place he ſucceeds, was veſted with.

On Default of the Merchants, Commiſſioners how to be choſen.

VII. Provided always, and it is hereby enacted and declared, That in caſe the Merchants of Liverpool hereby authorized and impowered in that Behalf ſhall at any Time hereafter neglect or refuſe to nominate ſuch Commiſſioners or Commiſſioner as they are hereby authorized and impowered from time to time to nominate by virtue of this Act; then and in ſuch Caſe and from thenceforth it ſhall and may be lawful to and for the Nine Commiſſioners acting under the Authority of the ſaid former Acts, and ſuch others as ſhall be elected and choſen by virtue and in purſuance of the ſaid former Acts, and in Manner therein mentioned, to act in all the Truſts, Matters, and Things wherein the Twelve Commiſſioners to be appointed in purſuance of this Act are hereby authorized, directed, and impowered to act; any thing herein before contained to the contrary notwithſtanding.

Collectors to keep fair Accounts,

VIII. And it is hereby further enacted by the Authority aforeſaid, That all and every the Collectors and Receivers of the Rates and Duties directed to be levied by the ſaid former Acts and this preſent Act ſhall from time to time keep fair and regular Accounts of all the Monies to be received by virtue of and under the Authority of the ſaid former Acts and this preſent Act; and alſo of the Monies from time to time to be iſſued, paid, and applied out of the ſame, expreſſing therein the Time when, the Name of the Perſon or Perſons from or to whom, all ſuch Monies are or ſhall be received, iſſued, paid, and applied reſpectively; and alſo ſhall from time to time, when thereunto required by the ſaid Commiſſioners or any Seven or more of them, upon giving Ten Days Notice in Writing under their Hands to be left at the Dwelling-houſe or uſual Place of Abode of ſuch Collector or Receiver, attend the Commiſſioners at ſuch Time and Place after the ſaid Ten Days, as in ſuch Writing ſhall for that Purpoſe be appointed; and then and there

and produce them to the Commiſſioners,

produce to the ſaid Commiſſioners, or any Seven or more of them, all ſuch Books, Accounts, and Vouchers concerning and relating to ſuch Receipts and Payments as aforeſaid, as the ſaid Commiſſioners, or any Seven or more of them, ſhall by ſuch Writing

upon Order,

order, direct, or appoint to be produced; and in caſe any of the ſaid Receivers or Collectors ſhall upon ſuch Notice given neglect or refuſe to attend, and produce ſuch Books, Accounts, and Vouchers as aforeſaid, every ſuch Collector or Receiver ſo refuſing ſhall for

on Penalty of 20 l.

every ſuch Offence forfeit and pay the Sum of Twenty Pounds, to be recovered by the Ways and Means in and by this Act directed and preſcribed, and to be applied towards the Charges and Expences of enlarging the ſaid Wet Dock or Baſon, and making the ſaid new Pier aforeſaid.

Treaſurer to print a yearly Account of the Receipts and Diſburſements,

IX. And be it further enacted by the Authority aforeſaid, That the Treaſurer or Receiver of the ſaid Rates and Duties for the time being ſhall once in every Year, on or before the Twenty fourth Day of June, during the Continuance of the ſaid former Acts and this preſent Act, draw out an Account of the Receipts and Diſburſements of the Money ariſing by the ſaid Rates and Duties ſo granted and continued as aforeſaid; and when the ſame ſhall be ſo drawn out and ſtated, ſuch Treaſurer or Receiver ſhall and he is hereby directed and required to cauſe the ſame to be printed and delivered to all and every ſuch Perſon and Perſons paying the ſaid Rates and Duties as ſhall deſire the ſame; and the Expence from time to time of printing the ſaid Accounts ſhall be deducted and paid out of the Money ariſing or to ariſe by the ſaid Rates and Duties granted and continued by the ſaid former Acts and this preſent Act; and in caſe ſuch Treaſurer or Receiver ſhall neglect or refuſe to ſtate and draw out and cauſe the ſaid Accounts to be printed within the Time herein before in that Behalf appointed, in any one Year, or within Thirty Days after, contrary to the Tenor and true Meaning of this Act; ſuch Treaſurer or Receiver for the

on Penalty of 10 l.

time being ſhall for every ſuch Offence forfeit and pay the Sum of Ten Pounds, to be recovered and applied in ſuch Manner as the other Penalties in and by this Act are directed and appointed to be recovered and applied.

X. And

X. And whereas ſince the paſſing of the ſaid former Acts ſome Doubts have ariſen, whether Ships and Veſſels trading from the ſaid Port of *Liverpool* to and from *Gottenberg*, or any other Port or Place in *Sweden* without the *Baltick*, are chargeable with the Rates and Duties by the ſaid Acts granted and continued; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty eight, and during the Continuance of the ſaid former Acts and this preſent Act, every Ship or Veſſel trading from the ſaid Port of Liverpool to or from Gottenberg, or any other Port or Place in Sweden without the Baltick, ſhall be charged and chargeable with the Rate and Duty of Eight Pence a Ton, for the Purpoſes of the ſaid former Acts and this preſent Act, and to be levied, recovered, and applied in ſuch Manner, as the ſeveral Rates and Duties charged by the ſaid former Acts are thereby and by this preſent Act directed and appointed to be levied, recovered, and applied. Duty on Ships trading to and from *Sweden*.

XI. And to the End the ſaid Dock or Baſon, and Pier, and other Works, when finiſhed and compleated and made commodious and uſeful, may not fall to Decay for want of proper and neceſſary Reparation and Support from time to time; be it further enacted by the Authority aforeſaid, That from and after the ſaid Term of Thirty one Years, and ſo long as the ſaid Dock or Baſon, Pier, and other Works provided for by this Act, ſhall be continued or kept up in good Repair, there ſhall be paid to the ſaid Mayor, Aldermen, Bailiffs, and Common Council for the time being, and their Succeſſors, their Collectors, or Deputies, One fourth Part of the Rates and Duties before mentioned, and no more; all which Rates and Duties ſhall be collected, and levied, paid, and accounted for and ſatisfied, in the Manner, and under the Penalties and Forfeitures in the ſaid former Acts, and this preſent Act mentioned, for the collecting, levying, paying, and accounting for the ſaid firſt mentioned Rates and Duties. The Dock to be kept in Repair by a Fourth of the Rates.

XII. And whereas in order to the enlarging the ſaid Wet Dock or Baſon, and making and erecting ſuch new Pier as aforeſaid, it may be neceſſary for the ſaid Corporation of *Liverpool* to purchaſe certain Pieces or Parcels of Ground, and ſome ſmall Tenements and Buildings erected and built thereupon, which are held for ſeveral Terms for Lives and Years yet to come, by virtue of ſeveral Leaſes granted thereof to divers Perſons under the Common Seal of the ſaid Corporation; be it therefore further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough of Liverpool, or any Perſon or Perſons by them in that Behalf to be appointed, to contract and agree with the Owners and Proprietors of ſuch Pieces or Parcels of Ground, Tenements, and Buildings, for the purchaſing their reſpective Intereſts therein; and to purchaſe and take a Conveyance, Aſſignment, and Surrender thereof, at and for ſuch Price and Conſideration as ſhall be agreed upon between the Parties contracting; and in caſe the Owners and Proprietors of ſuch Ground, Tenements, and Buildings, or any of them, ſhall refuſe to contract and agree with the ſaid Mayor, Aldermen, Bailiffs, and Common Council of the ſaid Borough of Liverpool, or the Perſons ſo to be for that Purpoſe appointed, or through any Diſability by Monage, Coverture, or other Impediment, ſhall not be qualified or enabled to contract or agree, or to execute or perform ſuch Contract or Agreement, and carry the ſame into Execution; then and in every ſuch Caſe it ſhall and may be lawful to and for the Mayor of the Corporation of Liverpool aforeſaid for the time being, and he is hereby authorized and impowered from time to time, to iſſue out his Warrant or Warrants under his Hand and Seal directed to the Sheriff of the County of Lancaſter for the time being, for the impanelling, ſummoning, and returning a Jury; and ſuch Sheriff is hereby required accordingly to impanel, ſummon, and return a Jury of Twelve able and ſufficient Men qualified according to the Laws and Statutes of this Realm to be returned for Trials of Iſſues joined in His Majeſty's Court of Common Pleas at Lancaſter, to appear before the Mayor, Aldermen, and Bailiffs of the ſaid Borough and Corporation for the time being, or any Five or more of them, whereof the Mayor and one of the Bailiffs to be Two, at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be appointed; and alſo to return Iſſues upon every Perſon ſo impanelled and returned the Sum of Forty Shillings, which ſhall be duly eſtreated and levied; and for Default of a ſufficient Number of Jurymen appearing, ſuch Sheriff, or his Deputy, ſhall return other honeſt and indifferent Men of the Standers by, or that can ſpeedily be procured to attend that Service, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Mayor, Aldermen, and Bailiffs, or any Five or more of them, are hereby impowered to order and authorize the ſaid Jury to view the Place or Places or Matters in Queſtion, as ſhall be thought requiſite, and to adminiſter the Oaths to them, and to ſuch Perſon and Perſons as ſhall be called upon to give Evidence before them; and which ſaid Jury ſo to be impanelled and ſworn ſhall inquire into the Value of the Premiſſes in Queſtion, and award and aſſeſs ſuch Damages and Recompences, as they ſhall think fit to be aſſeſſed and awarded, to the Owners and Occupiers of ſuch Ground, Tenements, and Buildings, or any Part thereof, as ſhall be uſed, applied, or appropriated for making and erecting ſuch Pier and additional Dock, for the Purchaſe of their reſpective Eſtates and Intereſts therein; and the ſaid Mayor, Aldermen, and Bailiffs, or any Five or more of them, ſhall give Judgement for ſuch Sums ſo to be aſſeſſed or awarded by ſuch Juries; and ſhall upon Oath as aforeſaid, and by all other lawful Ways and Means, examine, hear, and finally determine all Manner of Diſputes and Controverſies, which ſhall happen or ariſe between any Perſons whatſoever, touching or concerning any Matter or Thing relating to the aforeſaid Premiſſes, or any Part thereof; which ſaid Verdict, and the Judgement, Decree, or Determination thereupon declared and pronounced by the ſaid Mayor, Aldermen, and Bailiffs, or any Five or more of them, and the Value and Recompence ſo to be aſſeſſed and decreed, ſhall be binding and concluſive to all Infants, Femes-covert, and all other Perſon and Perſons whatſoever, his, her, and their Heirs, Succeſſors, Adminiſtrators, and Aſſigns, and all others claiming any Title or Intereſt in the ſaid Ground, Tenements, and Buildings; ſo as Notice in Writing of the Time of ſuch Meeting of the Jury for the Purpoſe aforeſaid be given and declared by the ſaid Mayor, or by ſome other Perſon or Perſons by him to Corporation impowered to purchaſe Ground, &c. by Agreement with the Owners, or by Determination of a Jury; and the Corporation to give final Judgement thereon, 14 Days Notice of the Jury's Meeting to be given.

to be appointed, at least Fourteen Days before every such Meeting, to every Person concerned, or left in Writing at the Dwelling-house of such Party concerned, or at his, her, or their usual Place of Abode, or with some Tenant or Occupier of such Ground, Tenement, or Buildings, in case the Owner thereof cannot conveniently be found to be served with such Notice.

Such Sentence to be under Hand and Seal, and to be recorded, &c.

XIII. And it is hereby further enacted, That such Sentences, Decrees, or Determinations so to be made, shall be set down in Writing under the Hands and Seals of the Mayor, Aldermen, and Bailiffs of the said Borough and Corporation, or such of them as shall make the same, and be kept among the Records and Writings of the said Corporation; and the same, or true Copies thereof, shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons shall and may have Recourse to the same, and take Copies thereof without any Stamps thereupon, paying for every Copy not exceeding Two hundred Words, Six Pence, and so in Proportion for any greater or less Number of Words; and that upon Payment of any such Sum or Sums of Money so agreed on or assessed to the Parties concerned, or Tender thereof made at his, her, or their Dwelling-house, and if they have no such Dwelling-house then at the House of some Tenant or Occupier of some Part of the Ground, Tenements, or Buildings before mentioned; or if upon such Tender as aforesaid they refuse or shall not be willing to receive the same, then upon Payment of such Sum into the Hands of such Person or Persons as the Mayor, Aldermen, and Bailiffs of the said Borough and Corporation, or any Five or more of them shall appoint, for the Use of the Parties interested as aforesaid; it shall then and not before be lawful to and for the said Mayor, Aldermen, Bailiffs, and Common Council of the said Borough, or any Twenty five of them, their Nominees, Agents, Workmen, and Servants in that Behalf to be assigned and appointed, to take, use, apply, and appropriate the said Ground, Tenements, and Buildings, or any Part thereof, for which such Satisfaction shall be assessed, awarded, or decreed as aforesaid, for the making, building, and erecting such additional Dock or Bason, and new Pier, and other necessary Works as aforesaid, according to the Purport and true Intent and Meaning of this Act; and this Act shall be sufficient and effectual to indemnify, as well the said Mayor, Aldermen, Bailiffs, and Common Council, and their Successors, Executors, and Administrators, as also their Agents or Nominees, and all Persons employed or authorized by them as aforesaid, against the Owners and Occupiers of such Ground, Tenement, and Buildings, their respective Heirs, Executors, Administrators, and all Persons claiming under them, or some or any of them.

On Payment of the Monies, the Corporation to be indemnified for using the Grounds, &c.

XIV. And whereas for want of keeping proper and sufficient Lights in the Night-time about the said Wet Dock or Bason the Lives of divers Persons are frequently endangered, and sometimes lost; and also divers ill-disposed Persons take Opportunities of running Goods into and out of the said Wet Dock or Bason, to the Prejudice of the publick Revenue; wherefore for preventing such Frauds and Mischiefs for the future, be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty eight, it shall and may be lawful to and for the Mayor, Aldermen, Bailiffs, and Common Council of the said Borough of Liverpool, in their Common Council assembled, to order and appoint such a Number of Lamps to be set up near unto and about the said Dock or Bason, as to them shall seem proper and requisite, and the Places where the same shall be fixed and set up, and for how long Time the same shall be and continue lighted.

Lamps to be set up about the Dock,

and be charged upon the Rates.

XV. And it is hereby enacted by the Authority aforesaid, That so much and such Part of the Rates and Duties charged, continued, and directed to be collected and levied by the said former Acts and this present Act, as to the said Mayor, Aldermen, Bailiffs, and Common Council of the said Borough, in Common Council assembled, shall seem necessary and requisite, shall be from time to time issued, paid, and applied for the defraying the Charges and Expences of buying, setting up, and maintaining such Lamps, near unto and about the said Wet Dock or Bason, and supplying the same with proper Materials.

Property of them vested in the Corporation.

XVI. And be it further enacted by the Authority aforesaid, That the Property of the said Lamps shall be vested in the Mayor of the said Borough and Corporation of Liverpool for the time being; who is hereby authorized and impowered to bring Actions, and prefer Bills of Indictment, against any Person or Persons stealing, taking away, breaking, extinguishing, or spoiling the same.

Forfeitures how to be levied and applied.

XVII. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by the said former Acts and this Act incurred or imposed (the Manner of recovering and levying whereof is not otherwise hereby particularly directed) shall, if not paid within Three Days after demanded, be recovered and levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant or Warrants under the Hands and Seals of the Mayor or Justices of Peace of the said Borough and Corporation for the time being, or any Two or more of them (which Warrant or Warrants they, or any Two or more of them, are hereby impowered and required to make, upon the Information of One or more credible Witness or Witnesses upon Oath before them, or any Two or more of them; which Oath they, or any Two or more of them, are hereby impowered and required to administer) and that all the Penalties and Forfeitures, when recovered, after rendring the Overplus (if any be) when demanded to the Party or Parties, whose Goods and Chattels shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall be paid into the Hands of such Person or Persons, and to be laid out and applied to and for such Uses and Purposes mentioned in this Act, as the Mayor and One or more of the said Justices of Peace of the said Borough of Liverpool aforesaid shall direct and appoint; and in case no such Distress as aforesaid can be had, then it shall and may be lawful for the said Mayor, Recorder, and Justices for the time being, or any Two or more of them, by like Warrant or Warrants to commit the Party offending unto the common Gaol or House of Correction of the said Borough for the Space of Twenty Days without Bail or Mainprize; but in case the said Penalty be paid before the Expiration of the said Twenty Days, then only until the said Penalty shall be so paid.

XVIII. Provided

XVIII. Provided always, That it shall and may be lawful to and for the said Mayor and Justices of the Peace, or any Two or more of them, from time to time where they see cause, to mitigate, compound, or lessen any of the Penalties or Forfeitures, as they in their Discretion shall think fit; so as such Mitigation or Composition do not extend to remit above one Moiety of the Penalty or Forfeiture inflicted and directed to be levied by or under the said former Acts or this present Act; and every such Mitigation or Composition shall be a sufficient Discharge to the Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so mitigated, lessened, or remitted. Forfeitures may be mitigated to a Moiety.

XIX. And it is hereby further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Matter or Thing done in pursuance of the said former Acts, or either of them, or this present Act, then and in every such Case the Action or Suit shall be brought within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the Counties Palatine of Lancaster or Chester, or the County of Salop, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give the said former Acts and this present Act and the Special Matter in Evidence at any Trial to be had thereupon; and if it shall appear to be done in pursuance of the said former Acts, or either of them, or this present Act, or that such Action or Suit shall be brought after the Time herein before limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law: And that the said former Acts and this present Act shall be taken and allowed in all Courts of Justice within this Kingdom as publick Acts; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same. Limitation of Actions. General Issue. Treble Costs. Publick Act.

CAP. XXXIII.

An Act for repairing the Roads from the Town of *Loughborough* in the County of *Leicester* to the Town of *Derby* in the County of *Derby*, and from the said Town of *Derby* to the Town of *Brassington* in the said County of *Derby*, and from the said Town of *Derby*, through the Town of *Ashborne* in the said County of *Derby*, to *Hurdloe House* in the Parish of *Hartington* in the said County.

WHEREAS the Roads leading from the Town of *Loughborough* in the County of *Leicester* to the Town of *Derby* in the County of *Derby*, and from the said Town of *Derby* to the Town of *Brassington* in the said County of *Derby*, and from the said Town of *Derby*, through the Town of *Ashborne* in the said County of *Derby*, to *Hurdloe House* in the Parish of *Hartington* in the said County of *Derby*, are become very ruinous, and some Parts of the said Roads in the Winter Season are so bad, that Waggons and other Carriages cannot pass without great Danger: And whereas the said Roads cannot, by the ordinary Course appointed by the Laws now in Force for repairing the Highways of this Kingdom, be effectually amended; and by an effectual Amendment thereof a Communication would be opened between the Counties of *York*, *Lancaster*, and the said Counties of *Derby* and *Leicester*, and other adjacent Counties, to the great Improvement of Commerce in those Counties, *&c.* Preamble.

Certain Tolls are granted from 24 June, 1738, *for* 21 *Years.*

CAP. XXXIV.

An Act for the effectual Draining and Preservation of certain Fens called *Cawdle Fen*, *Waterden*, and *Redmoor*, and one Piece of Fen Ground called *The Holts* in the Isle of *Ely*, in the County of *Cambridge*.

WHEREAS certain Fens and low Grounds lying and being in *Ely*, within the Isle of *Ely* and County of *Cambridge*, and within the great Level of the Fens called *Bedford Level*, containing in the whole Eight hundred and fifty Acres, or thereabouts, and hereafter mentioned and described; that is to say, All that Fen called *Cawdle Fen*, containing Three hundred and thirteen Acres, or thereabouts, beginning from the River *Owze* next a Farm called *Braham Farm*, and from thence all along under *Cawdle Fen Drove* to *Stonebridge*, and from thence to *Gentsbridge*, including the *Holts*, and from thence to the Bank next the said River *Owze* up to the said Farm called *Braham Farm* (excluding the Hill-piece of Mr. *Needham*'s Heirs, called the *Brick-kiln Grounds*, containing Five Acres) and all that Fen called *Waterden Fen*, containing Two hundred and ninety four Acres, or thereabouts, beginning next *Turbesey Farm* from *Sandys*'s *Cut* up to the *Milking Hill*, and from thence all along the *Drove Way* under *New Barnes Farm* to *Clayway Drove*, and from thence to *Clayway House*, along *Sandys*'s *Cut*, up to the said *Turbesey Farm* (excluding Four Acres of Ground belonging to *William Cole* Esquire, at *Thistley Corner* next the *Milking Hill*, and Two Acres of Ground more belonging to Mr. *Robert Lightfoot*, lying next the Ground of the said *William Cole*, and Two Acres of Ground more belonging to *Thomas Buttey*, lying next the Ground of the said *Robert Lightfoot*, and Two Acres of Ground more belonging to the said *Robert Lightfoot*, lying next the Ground of the said *Thomas Buttey*, and Four Acres of Ground more belonging to Mr. *William Cawthorne*, lying next the last mentioned Ground of the said *Robert Lightfoot*, and Four Acres of Ground more belonging to Mr. *Thomas Aungier*, abutting on *New Barnes Farm*) and all that Fen called *Redmoor Fen*, containing Two hundred and forty five Acres, or thereabouts, beginning from *Sandys*'s *Cut* next *Clayway Drove* up to the *Drove Way* under *New Barnes Farm*, up to *Chettisham Field*, along another *Drove Way* leading up to the King's Highway under *Woodhouse Farm*, and from thence to Mr. *Henry Morley*'s Kiln-docking, down to *Sandys*'s *Cut*, up to *Clayway Drove* (excluding the Two high Grounds belonging to *Kettlesworth Farm*) have for some Years last past been and still are overflowed with Waters through the Defect of their Outfalls to the Sea, by which Means the same are in Danger of being utterly lost, to the great Damage and Impoverishment of the Owners of such Grounds: And whereas notwithstanding the Powers and Provisions now in Force for draining and keeping dry the same by and under an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for settling the draining of the Great Level of the Fens called* Bedford Level, Preamble. 15 *Car.* II. *cap.* 17.

Level, the said Fen Grounds cannot be preserved without the further Aid of Parliament, to enable the Owners and Proprietors of the said Fen Lands and Grounds to preserve and keep the same drained for the future, by which Means great Benefit will not only accrue to the Publick, but much Profit to the Owners of the said Fen Lands and low Grounds; **be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That** Aungier Peacock **of** Ely, William Cawthorn **of** Ely, Gotobed East **of** Ely, **Gentlemen;** Gotobed Dench **of** Ely, Granado Pigott **of** Ely, **and** Thomas Soper **of** Haddenham, **in the Isle of** Ely, **Gentlemen;** Henry Morley **of** Ely, Thomas Pool **the younger, of** Ely, **and** John Layton **of** Chettisham **in the Isle of** Ely, **Gentlemen; shall be, and are hereby appointed Commissioners to put this present Act and all other the Powers and Authorities herein after mentioned in Execution.**

Commissioners Names.

II. **And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, or such others as shall be nominated in the Place of them or any of them as is herein after directed, from the Time of their being respectively chosen and appointed, are hereby authorized, and shall have Power from time to time hereafter, at their Wills and Pleasures to make such Cuts, Drains, Dams, and Outlets through the said Fens and low Grounds, or any Part thereof, so bounded and described as aforesaid, and to make and erect such Works and Engines thereupon, for draining and conveying the Waters from the same, as shall be thought fit, necessary, and convenient by the said Commissioners, or any Five or more of them, at the Meeting or Meetings of the said Commissioners herein after appointed for the Purposes aforesaid; so always that if the said Commissioners make or cause to be made any Cut, Drain, Dam, or Outlet through any several Grounds, or erect any new Work or Works, Engine or Engines thereon, they shall pay a reasonable Satisfaction for the same to the Person or Persons who hath or have a Right to the Soil, through which such Cut, Drain, Dam, or Outlet shall be made, or whereupon such Work or Works, Engine or Engines shall be erected, for such Damages as every such said Person shall sustain, and as shall be agreed upon between the said Commissioners, or any Five or more of them, and the said Party or Parties, Owner or Owners of such Fens or low Grounds; and if the said Commissioners, or any Five or more of them, and the Party or Parties, Owner or Owners of such Fens and low Grounds cannot agree about the Value of such Damage, that then the same shall be assessed and adjudged by the Justices of the Peace, or the major Part of them, at the General Quarter Sessions of the Peace to be held for the said Isle of** Ely, **next after such Damages so done to the Owner or Owners of such Fen or low Grounds as aforesaid.**

Commissioners authorized to cut Drains through, and erect Works on the Fens, for draining them,

making Satisfaction for Damages.

III. **And for the better putting this Act in Execution, be it enacted by the Authority aforesaid, That the said Commissioners herein named, or any Five or more of them, shall, Twice in every Year, to wit, on the first** Tuesday **in the Month of** May, **and on the first** Tuesday **in the Month of** October, **or oftner as they shall see Cause or think convenient, meet at the Shire-house in** Ely; **and at such Meetings shall be and are hereby impowered to make Orders and give such Directions, for the better Government and more orderly Management of the said Works of draining the said Fens and low Grounds, and for making proper Cuts and Drains through the same, and for making and erecting proper Works and Engines thereon, and for the Maintenance thereof; and to appoint One or more Collector or Collectors, Receiver or Receivers, or such other proper Officer or Officers as they shall think fit, for the taking care of such Works, and for collecting the Rates and Assessments which shall be made or assessed for the Maintenance thereof; which said Collector or Collectors, Receiver or Receivers, or other Officer or Officers so to be named and appointed as aforesaid, shall be altered and removed at the Will and Pleasure of the said Commissioners, or the major Part of them, so assembled at such Meeting or Meetings so to be had as aforesaid, and another or others chosen and appointed in his or their Room and Stead, as often as Occasion shall require; and such Collector or Collectors, Receiver or Receivers so to be named and appointed as aforesaid, before they shall act in the Execution of their several Offices, shall give such Security to the said Commissioners for the due Execution of such their respective Offices, and for the executing and performing the several Trusts to them committed, as the said Commissioners, or the major Part of them, shall in their Discretion see fit.**

Commissioners when and where to meet;

to appoint proper Officers,

taking Security of them.

IV. **And be it further enacted by the Authority aforesaid, That at all and every or any such Meeting or Meetings, so to be held by the said Commissioners herein named as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to assess, rate, tax, and charge all and every the respective Owner or Owners, Occupier or Occupiers, of all and singular the said Fens and low Grounds so bounded and described as aforesaid, by an equal and proportionable Acre-tax, in Manner following; that is to say, For all the Lands in the said Fen called** Waterden, **not exceeding the Rate of Five Shillings by the Acre in each Year, for Four Years successively, to be computed from** Lady-day, **One thousand seven hundred and thirty eight; and for all the Lands in the said Two other Fens, called** Redmoor **and** Cawdle Fen, **and the** Holts, **any Rate or Sum not exceeding the Sum of Two Shillings by the Acre in every Year, for the said Four Years successively; and after the Expiration of the said Four Years, and for every Year after, with any other yearly Sum or Sums of Money, not exceeding One Shilling and six Pence** per **Acre for and on all the Lands in the said Three Fens and the** Holts **respectively, for carrying on and effecting the said Works of draining, and for maintaining the same; and to limit and appoint such certain Days and Places for the respective Payments thereof to the Collector or Collectors, Receiver or Receivers for the time being, as they the said Commissioners, or any Five or more of them, under their Hands shall direct and appoint.**

Commissioners to assess the Owners of the said Fens, and in what Manner.

V. And forasmuch as the said Money and Acre-shots so to be rated, levied, collected, and gathered by such Receiver or Receivers, will not at present be sufficient for making such Cuts, Drains, Dams, and Outlets, and for erecting such Works and Engines as will be necessary for draining, and for the present Improvement of the said Fen Lands and low Grounds; **be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall and may and are hereby impowered**

impowered from time to time by Writing under their Hands and Seals to aſſign over the ſaid yearly Rates and Taxes hereby chargeable, or to be charged upon the ſaid Fen Lands and Grounds, and every or any Part thereof ſo deſcribed as aforeſaid (the Coſts and Charges whereof to be borne and paid out of the ſaid Acre-tax) for any Time or Times not exceeding the Term of Twenty one Years, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpoſe, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with Intereſt not exceeding Five Pounds per Centum per Annum; which ſaid Money ſo borrowed ſhall be applied in the firſt Place to pay and diſcharge the Charges and Expences of obtaining this Act of Parliament, and then ſhall be applied and diſpoſed of in making ſuch Cuts, Drains, Dams, and Outlets, and erecting ſuch Works and Engines for the effecting the draining and improving the ſaid Fen Lands and low Grounds deſcribed as aforeſaid, and to be applied and diſpoſed of to no other Uſe or Purpoſe whatſoever.

Duties aſſignable for Money borrowed, at Intereſt not exceeding 5 *l. per Cent. per Annum.*

VI. And whereas the Owners and Proprietors of the Lands in *Cawdle Fen*, the *Holts*, and *Redmoor Fen* aforeſaid, have by Agreement amongſt themſelves already been at a great Charge and expended ſeveral Sums of Money towards embanking and draining theſe Fens; which Sums were deſigned and agreed to be raiſed by a proportionable Tax on every Acre, to be paid by the Owner and Proprietor thereof; but ſeveral Perſons have refuſed to pay their Share and Proportion towards ſuch Charge, although their Lands have received and will continue to receive the Benefit thereof, and ſome of the Lands within thoſe Fens have been already cut for the Purpoſes aforeſaid, and for which no Satisfaction hath been yet made to the Owners or Proprietors of thoſe Lands; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners herein before named, or any Five of them, to award a reaſonable Satisfaction to be made to the ſaid Owners and Proprietors of thoſe Lands for the Value thereof, and to examine the Accounts of the Money already laid out and expended in and about the embanking and draining the ſaid Two ſeveral Fens, and alſo to enquire by what Means the ſame hath been raiſed and paid, and in what Proportion; and if it ſhall appear that the ſame hath been laid out to forward and promote the draining the ſaid Two ſeveral Fens, and that any Owner or Proprietor of Lands within the ſame hath refuſed or ſhall refuſe to pay his, her, or their Quota or Proportion for and towards the ſaid Charge and Expence already incurred, then and in ſuch Caſe upon due Proof thereof made to the Satisfaction of the ſaid Commiſſioners, or any Five of them, it ſhall and may be lawful for the ſaid Commiſſioners, or any Five of them, by Warrant under their Hands, aſcertaining the Sum which ſuch Owner or Proprietor ought to pay, to authorize and impower the Collector or Collectors, Receiver or Receivers ſo to be appointed as aforeſaid, to demand, collect, and receive the ſame, and apply it when received in Payment of what ſhall be ſo awarded for the Value of the ſaid Lands ſo already cut, and for ſuch other the Purpoſes as aforeſaid, in ſuch Manner as to the ſaid Commiſſioners or any Five of them ſhall ſeem juſt.

Perſons to pay their *Quota* of the Expence of draining certain Fens according to Agreement.

VII. Provided always, and be it further enacted, That no Perſon or Perſons are or ſhall be hereby enabled to act, ſit, or meet as a Commiſſioner for any the Purpoſes herein before mentioned, or to elect any new Commiſſioner or Commiſſioners in the Room of others, or to put any the Powers or Authorities in this Act in Execution, unleſs he or they ſhall be actual Owner of not leſs than Twelve Acres of Land within ſome one or other of the ſaid Fens and low Grounds ſo bounded and deſcribed as aforeſaid.

Commiſſioners not to act, unleſs Owners of 12 Acres of the ſaid Fens.

VIII. And be it further enacted by the Authority aforeſaid, That upon Default made by any Perſon or Perſons ſo aſſeſſed, rated, taxed, and charged as aforeſaid in his, her, or their reſpective Payments ſo to be made, rated, awarded, limited, and appointed as aforeſaid, by the Space of Twenty one Days after the Time limited for the Payment thereof, and upon Demand made by the Collector or Collectors, Receiver or Receivers ſo to be appointed as aforeſaid, it ſhall and may be lawful to and for ſuch Collector or Collectors, Receiver or Receivers, or for any other Perſon or Perſons, by virtue of any Warrant or Precept under the Hands and Seals of Five or more of the ſaid Commiſſioners (which ſaid Warrant or Precept ſuch Commiſſioners, or any Five or more of them, are hereby impowered from time to time to make, as Occaſion ſhall require) to levy the Sum or Sums ſo aſſeſſed and rated, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay, wherever ſuch Goods or Chattels ſhall be found, or to diſtrain upon the ſaid Grounds and Premiſſes ſo charged with any ſuch Sum or Sums of Money, and the Goods and Chattels ſo diſtrained to keep by the Space of Five Days at the Coſts and Charges of the Owner or Owners thereof; and if the ſaid Owner or Owners do not pay the Sum or Sums of Money ſo awarded, aſſeſſed, or rated, within the ſaid Space of Five Days, that then the ſaid Goods and Chattels ſo diſtrained ſhall be appraiſed by Two or more of the Inhabitants of the Pariſh where the ſame ſhall be taken, or other ſufficient Perſons, and be ſold by the ſaid Collector or Collectors, Receiver or Receivers, for Payment of the ſaid Money, and the Overplus coming by ſuch Sale (if any be) over and above the Sum or Sums ſo awarded, rated, or aſſeſſed, and Charges of taking and keeping the ſaid Diſtreſs, ſhall be immediately returned to the Owner or Owners thereof; and the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and low Grounds ſo bounded and deſcribed as aforeſaid, which ſhall be aſſeſſed or rated by virtue of this Act, are hereby required and authorized to pay ſuch Sum and Sums of Money as ſhall be ſo awarded, aſſeſſed, and rated upon ſuch Fen Lands and low Grounds, and to deduct out of the Rent ſo much of the ſaid Aſſeſſment or Rate, as the ſaid Fen Lands or low Grounds, or the Tenant or Tenants in reſpect thereof, ſhall be aſſeſſed or rated at; and the Landlords, both mediate and immediate according to their reſpective Intereſts, are hereby required to allow ſuch Deduction and Payment upon Receipt of the Reſidue of their Rents; and that every Tenant paying ſuch Aſſeſſment or Rate ſhall be acquitted and diſcharged for ſo much Money as the ſaid Aſſeſſment or Rate ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons, unto whom his or her Rent ſhould have been due and payable.

The Rates, on Default of Payment, to be levied by Diſtreſs and Sale.

Tenants to pay the Aſſeſſments, and deduct them out of the Rents.

IX. And for the ſupplying and continuing of a ſufficient Number of Commiſſioners for putting this Act in Execution; be it further enacted by the Authority aforeſaid, That

Commissioners Rooms to be supplied:

upon the Death or Resignation or refusing to act of any of the Commissioners herein before named, it shall and may be lawful to and for the surviving Commissioners, or at least Five of them then present, assembled at such Meetings so to be held as aforesaid, to choose and supply from time to time one or more Commissioner or Commissioners, in the Place or Places of any of the said Commissioners who shall depart this Life, or resign, or refuse to act as aforesaid, by and with the Consent and Approbation of the major Part of such Proprietors as are assessed or liable to be assessed for the Purposes aforesaid by virtue of this Act, and shall be present at such Election of such Commissioner or Commissioners as aforesaid; and every such new Commissioner or Commissioners so to be from time to time chosen and supplied as aforesaid, shall from thenceforth have the like Power and Authority to act and do in all Things relating to the Premisses, as those Commissioners which are expressly named in and appointed by this Act may do by virtue thereof, and shall never exceed the Number of Nine, and shall be from time to time chosen and appointed in Manner following; to wit, There shall always be Three Commissioners, Owners and Proprietors in the said Fen called Cawdle Fen, so qualified as herein before is directed; and Three Commissioners, Owners and Proprietors in Waterden, so qualified as aforesaid; and Three others, Owners and Proprietors in Redmoor Fen, so qualified as aforesaid; so that whenever a new Commissioner is to be chosen as aforesaid, he shall be chosen out of the Owners or Proprietors in that Fen, for which the Person, in whose Room he is to be chosen served; which Order and Method shall be observed as to the Choice of the said Commissioners to be chosen and supplied from time to time hereafter, toties quoties as Occasion shall require, for ever: And every such Choice and Election of any new Commissioner shall be from time to time recorded by the Clerk of the Peace for the said Isle of Ely, paying One Shilling for his recording the same, and no more.

Their Number not to exceed Nine; how to be chosen.

Penalties on obstructing or destroying the Works.

X. And be it further enacted, That if any Person or Persons whatsoever shall at any time or times hereafter, cut, throw down, and destroy any of the Works or Engines so to be made as aforesaid, or by any ways hinder, obstruct, or lay open any of the Cuts, Drains, or other Works made or hereafter to be made for the draining or improving the said Fens or low Grounds as aforesaid, and shall thereof be convicted upon Oath before Two Justices of the Peace for the said Isle of Ely; every such Person or Persons so convicted as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds to be levied by Distress and Sale of the Goods and Chattels of every such Offender or Offenders, by Warrant under the Hands and Seals of any Two of the said Justices, before whom such Conviction shall be made, to be applied and laid out for the carrying on the Works and Improvements in and upon the said Fens and low Grounds where such Offence is or shall be committed; and for want of sufficient Distress such Offender or Offenders shall be committed to the House of Correction or common Gaol for the said Isle of Ely by virtue of any Warrant under the Hands and Seals of any Two of the said Justices, there to remain for the Space of Twelve Months without Bail or Mainprize at the Discretion of the said Justices by whom such Commitment shall be made; and if any Person or Persons whatsoever shall wilfully or maliciously set fire to, or burn any of the said Engines so to be erected as aforesaid, or already erected, and be thereof lawfully convicted, such Person or Persons shall suffer Imprisonment for the Space of Three Years; and if such Person or Persons shall offend again in like Manner, and be thereof lawfully convicted, such Person or Persons shall be guilty of Felony without Benefit of Clergy.

The Monies arising from the said Lands distinctly appropriated.

XI. And to the End that the said Fens and low Grounds may be drained and kept dry, and the Works necessary for that Purpose may be carried on and made good, and preserved with as much Thrift and good Husbandry as may consist with the effectual and substantial Performance thereof, and that there may be no Misapplication of the Money by this Act to be raised, collected, and received, nor of any Part thereof; and that the Money to be raised for each of the said Three Fens respectively may be laid out and expended to preserve the Lands from which the same shall be so raised; be it further enacted by the Authority aforesaid, That the Money which shall at any time by virtue of this Act be raised on the Lands lying in the said Fen called Waterden, shall be applied to the Uses and Purposes of draining and preserving that Fen only, and no other; and the Money which shall be raised on the Lands lying in the said Fen called Cawdle Fen, and on the Holts, shall be applied to the Uses and Purposes of draining and preserving that Fen and the said Holts only; and the Money which shall be raised on the Lands lying in the said Fen called Redmoor, shall be applied to the Uses and Purposes of draining and preserving that Fen only, and to no other Purpose.

Three distinct Books of Accounts to be kept;

to be inspected once a Year by the Commissioners.

XII. And to the End that it may appear clearly what is raised from time to time on each of the said Three Fens respectively, and how the same hath been applied, the said Commissioners appointed to put this Act in Execution, or any Five of them, shall cause Three distinct and separate Books of Assessments to be made and kept, one for each Fen; and also Three distinct and separate Books of Account of Receipts and Disbursements, one for each Fen; and no Collector's or Receiver's Accounts shall be passed or allowed, unless the same shall be kept and made up in such distinct and separate Books, as aforesaid: And to the End that the said Accounts may be fairly examined, and the Owners and Proprietors may be satisfied that the Money collected hath been fairly and duly applied, be it further enacted by the Authority aforesaid, That once in every Year, on one of the Days herein before appointed for the Meeting of the said Commissioners, Inspection shall be had by the said Commissioners, or any Five of them, of the Receipts and Disbursements of such Monies as shall be collected or received by virtue of this Act, to the Twenty fifth Day of March then next before; and all Accounts relating to the same shall be then, or within Ten Days after, made up and settled by the said Commissioners, or any Five of them, then assembled at such their said Meeting as aforesaid; at which said Time the Collector or Collectors, Receiver or Receivers of the said Rates and Sums of Money to be raised as aforesaid, are hereby required to attend with all their separate and distinct Books of Accounts as aforesaid, of Receipts and Disbursements, and all

Vouchers for the same; and upon Consideration and Examination of the said Accounts upon Oath, to be administred by any One of the said Commissioners (and which Oath any One of the said Commissioners is hereby impowered to administer) the said Commissioners or any Five of them are hereby impowered to allow and pass the said Accounts, as they shall think fit, or such Part or Parts of the same as they shall see just and reasonable; and such Account or Accounts, or such Part or Parts of them as shall be so allowed by the said Commissioners or any Five of them under their Hands, shall be fairly entered in Two several Setts of Books to be kept for that Purpose; one Sett whereof shall be kept with the said Commissioners, and the other Sett shall remain in the Parish Church of Trinity in Ely aforesaid; and the said Books shall and may be inspected and perused at any Time, at seasonable Hours, by any Person or Persons (being an Owner or Owners in any of the said Three Fens) requiring the same, without Fee or any other Reward.

Collectors to be examined upon Oath.

The Accounts allowed by the Commissioners to be entered in 2 several Setts of Books, &c.

to be inspected without Fee.

XIII. Provided nevertheless, and it is further enacted and declared, That this Act or any Thing herein contained shall not extend or be construed to extend, to impower the said Commissioners appointed for putting this Act in Execution, to have, use, or exercise any Power or Authority over, or to intermeddle with, any of the Banks, Sewers, Drains, or Works already made or hereafter to be made by the Governor, Bailiffs, Conservators, and Commonalty of the Great Level of the Fens called Bedford Level, by virtue of the said Act made in the Fifteenth Year of the Reign of His late Majesty King Charles the Second, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away any the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, Conservators, and Commonalty, or the said Governor, Bailiffs, and Conservators; but that all Rights, Powers, and Authorities whatsoever, which by virtue of the said Act passed in the Fifteenth Year of the Reign of King Charles the Second, or any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, Conservators, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, Conservators, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes, as if this Act had never been made.

Commissioners not to intermeddle with the Works of the Conservators of *Bedford Level*;

XIV. Provided also, and it is hereby further enacted and declared, That this Act, or any Thing herein contained, shall not extend or be construed to extend to impower the said Commissioners appointed for putting this Act in Execution, to erect or set up any Sluice or Dam cross the River Owze, or to do or perform any Work or Works which may prejudice the Navigation of the said River Owze, or obstruct or hinder any Waters from falling down the said River through Lynn Channel to the Sea.

nor to obstruct the Navigation of the River *Owze*.

XV. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act, and in the Execution of any the Powers and Authorities hereby given, every such Action or Suit shall be commenced within Three Months next after the Fact committed, and not afterwards, and shall be laid or brought in the Court of Pleas of the said Isle of Ely, or in the County of Cambridge, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, not guilty; and if in Replevin, may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the special Matter in Evidence, without specially pleading the same other than as aforesaid, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of the said Act, and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Advowant or Advowants; or if the Plaintiff or Plaintiffs shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, or Judgement shall be given against him, her, or them upon a Demurrer or otherwise; then in any of the said Cases the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they shall have like Remedy, as where Costs by Law are awarded.

Limitation of Actions.

General Issue.

Treble Costs.

XVI. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act; and all Judges, Justices, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

Publick Act.

CAP. XXXV.

An Act for the better enlightening the open Places, Streets, Lanes, Passages, and Courts, and for the better regulating the Nightly Watch and Bedels, within the Parish of *Christ Church*, in the County of *Middlesex*.

WHEREAS the enlightening the open Places, Streets, Lanes, Passages, and Courts, and keeping a sufficient and well regulated Watch in the Night Time, within the great and populous Parish of *Christ Church* in the County of *Middlesex*, will be of great Importance, and tend not only to the Preservation of the Persons and Properties of the Inhabitants thereof, but for the common Safety and Benefit of all other Persons resorting to and from the Market kept within the said Parish, and all other Persons whose Affairs oblige them to pass and repass through the same, and very necessary to prevent, as well the Mischiefs which may happen from Fires, as Murders, Burglaries, and other Outrages and Disorders: And whereas by the Laws now in Being no effectual Provision is made for the enlightening the said Streets and other Places, or for the establishing, ordering, or well governing of such a Nightly Watch, or compelling of the Constable or Headboroughs to do his or their Duty, by watching in their several Turns, or for levying and collecting any Sums of Money for defraying the necessary Charges thereof, or for enforcing a due Application and just Account of any Money so levied and collected for that Purpose:

Preamble.

For

For Remedy of the aforesaid Inconveniencies, may it please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the First Day of June, which shall be in the Year of our Lord One thousand seven hundred and thirty eight, or within Two Months next after, and so in every Year ensuing, the Vestry of the said Parish of Christ Church shall meet and be held in the common Vestry Room of the said Parish, upon publick Notice to be given in the Church the Sunday preceding such Meeting for that Purpose; and then and there shall appoint such Number and Sorts of Lamps, as they or the major Part of them assembled shall think necessary to be erected and set up at equal Distances, or as near to equal Distances as conveniently may be, throughout the said Parish, and how and to what House or Buildings within the said Parish they shall be fixed, or where the same shall be placed, and for what and how long Time the same shall be and continue lighted; and shall and may contract with any Person or Persons for the lighting, trimming, snuffing, cleansing, supplying, maintaining, and repairing such Number of Lamps; and also what Number of Watchmen they shall judge necessary and proper to be kept in the said Parish for the Year then next to come; and shall nominate and appoint, as well such honest and able-bodied Men to be employed in that Service, as they or the major Part of them that shall be then assembled shall think best qualified for the same, as also a sufficient Number of Bedels for the said Parish; and shall then and there likewise direct and set down in Writing, how and in what Manner and how often it is required of the said Watchmen to go their Rounds, how they ought to be armed, how long they are to watch, what Wages and Allowances are to be given to the said Watchmen and Bedels for their Attendance, and all such other Orders and Regulations as the Nature of each particular Service shall seem to them to require: And if any of the said Watchmen or Bedels so by them appointed shall die within the Year, or shall be negligent in his or their Duty, or be guilty of any Misbehaviour, or if it shall be found necessary to repeal, amend, or alter any of the said Orders and Regulations, it shall and may be lawful for the said Vestry, being convened by due and legal Notice at any intermediate Times of the Year, to nominate and appoint One or more Person or Persons fitly qualified, in the Room and Stead of him or them so dying or guilty of Misbehaviour as aforesaid; and also to make such further Orders, Contracts, and Regulations for the better enlightening the said Parish, Government, and Direction of the said Watchmen and Bedels, as they shall think proper, and to do all other Acts and Things as shall be necessary for the due Execution of this Act.

The Vestry to appoint a proper Number and Sort of Lamps,

Watchmen,

and Bedels,

and to make Regulations,

and Contracts,

II. And be it further enacted by the Authority aforesaid, That a true Copy or Transcript of all such Orders and Regulations as shall be so made from time to time as aforesaid for the better Direction and Government of the Watchmen and Bedels so to be appointed, shall be fairly written and signed by the Churchwardens and Vestry Clerk of the said Parish, and shall be delivered to the Constable and Headboroughs for the time being of the said Parish, or their sufficient Deputies, and to every of them; and that from and after the time of his or their having been sworn into the Office of Headborough, one of the said Headboroughs or Deputies for the time being of the said Parish, together with one of the said Bedels, shall attend every Night by Turns, and shall keep Watch and Ward within the said Parish from the Hours of Ten in the Evening till Four the next Morning, from the Twenty fifth Day of March till the Twenty ninth Day of September; and from the said Twenty ninth Day of September till the Twenty fifth Day of March, from Nine in the Evening till Seven the next Morning; and shall in their several Turns or Courses of Watching, use their best Endeavours to prevent, as well all Mischiefs happening by Fires, as all Murders, Burglaries, Robberies, and other Outrages and Disorders; and to that End shall arrest and apprehend all Night-walkers, Malefactors, and suspected Persons, who shall be found wandering and misbehaving themselves, and shall keep them in some secure Place, until they can be conveniently carried to One or more Justice or Justices of the Peace for the County of Middlesex, to be examined and dealt with according to Law; and which said Bedel, or Headborough, or Deputy, shall twice or oftner at convenient times in every Night go about the said Parish, and take Notice whether all the said Watchmen perform their Duties in their several Stations, according to such Orders and Regulations as shall have been made for that Purpose by the Vestry of the said Parish; and in case any such Watchmen shall misbehave himself, or neglect his Duty, the said Constable, or Headborough, or Deputy, shall as soon as conveniently may be give Notice thereof to the Churchwardens or Overseers of the Poor for the time being of the said Parish, or to either of them, to the End a Vestry may be forthwith summoned for the Examination and Punishment of such Offence; and which said Churchwardens and Overseers of the Poor, or either of them, are hereby impowered and authorized to summon such Vestry accordingly.

Copies of such Regulations to be delivered to the Constables, &c.

Headboroughs and Bedels Charge.

Times of Watching.

III. And be it further enacted by the Authority aforesaid, That if any of the said Headboroughs, or Deputies shall wilfully neglect to attend any Night in his or their Turn, to keep Watch and Ward, or shall not come to keep Watch or Ward at the respective Hours appointed by this Act for his and their Attendance thereon, or shall depart from or leave keeping Watch and Ward during the respective Hours appointed by this Act for keeping the same, or shall otherwise misbehave himself or themselves, against the Duty prescribed to them by this Act, in each and every of the said Cases the Person or Persons so offending shall respectively forfeit the Sum of Twenty Shillings for every such Offence.

Penalty on their Neglect of Duty.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Watchmen, or any of them (in the Absence of the Constable, or Headborough, or Deputy) and they are hereby authorized and required in their several Stations during the Time of their keeping Watch and Ward as aforesaid, to apprehend all such Night-walkers, Malefactors, Rogues, Vagabonds, and other disorderly Persons, whom they

Watchmens Duty.

they shall find disturbing the publick Peace, or have just Cause to suspect of any evil Designs, and to deliver the Person or Persons so apprehended, as soon as conveniently may be, to the Constable, or Headborough, or Deputy of the Night, who is hereby required to carry him, her, or them before one or more Justice or Justices of the Peace for the said County of Middlesex, to be examined and dealt with according to Law.

V. And for the better raising and levying of Monies for setting up and maintaining the said Lamps, and supplying the same with proper Materials, paying the Wages of the said Watchmen and Bedels, and all other Charges incident thereunto, and for defraying the necessary Charges and Expences of passing this Act; be it further enacted by the Authority aforesaid, That within One Month after the said Watchmen and Bedels shall be nominated and appointed as aforesaid, and so twice or oftner in every Year if it shall be thought needful for that Purpose, the said Vestry of the said Parish (after due and publick Notice first given for that Purpose) shall and they are hereby authorized and impowered to make an equal Pound Rate or Rates, Assessment or Assessments upon all and every the Person or Persons who do or shall inhabit, hold, occupy, or enjoy any Land, House, Shop, Warehouse, or other Tenement, or any Part of any Tenement within the said Parish, for and towards the raising the full Sum or Sums of Money by them judged necessary to be charged upon the said Parish; which said Rate or Rates, Assessment or Assessments so to be made, being first allowed and confirmed by Two Justices of the Peace for the County of Middlesex, residing in or near the said Parish, and all Arrears due upon the same, shall be collected quarterly or half-yearly from the said Inhabitants and Occupiers, by such Person or Persons as shall be appointed by the said Vestry respectively to collect and receive the same: And in case any of the said Inhabitants or Occupiers shall refuse or neglect to pay the Sum or Sums so rated and assessed upon him, her, or them, it shall and may be lawful to and for such Collector or Collectors, by Warrant under the Hands and Seals of Two such Justices of the Peace, to levy the same by Distress and Sale of the Goods of the Party so neglecting or refusing, rendering to him, her, or them the Overplus (if any be) the reasonable Charges of making the said Distress and Sale being first deducted; and for want of such Distress, by like Warrant to commit the Offender or Offenders to the common Gaol of the said County, there to remain without Bail or Mainprize for the Space of One Month, or until Payment thereof before that Time.

Vestry impowered to make a Pound Rate on the Inhabitants,

to be collected quarterly or half-yearly.

Distress on Refusal of Payment,

or, for want of Distress, Imprisonment.

VI. And be it further enacted, That if any of the Persons who shall from time to time be directed and appointed by the Vestrymen of the said Parish, or the major Part of them who shall be then assembled for that Purpose, to take upon him or them the Office of Collector or Collectors of the several Rates and Assessments to be made in pursuance of this Act, shall neglect or refuse to take upon him or them such Office according to the true Intent and Meaning of this Act, he or they shall respectively forfeit the Sum of Ten Pounds; or in case of Death or Removal it shall be lawful for the Vestrymen of the said Parish, or the major Part of such of them as shall be assembled for that Purpose, to direct and appoint any other Person or Persons inhabiting in the said Parish, in the Room and Stead of such Person or Persons who shall so neglect or refuse to take upon him or them the said Office, or shall die or remove during the Time of his or their being in such Office: And in case such Person or Persons so directed and appointed shall refuse to take upon him or them the said Office, he or they shall be liable to the like Penalties as are herein before appointed; any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Collectors refusing to act to forfeit 10*l*.

Their Vacancies to be supplied.

VII. And forasmuch as it is reasonable that all publick Buildings (Hospitals excepted) should be taxed and assessed in a due Proportion towards the better lighting the said Parish; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Vestrymen of the said Parish, or the major Part of them, and they are hereby required, to tax and assess the said Parish Church and Church Yard, Chapels, Meeting Houses, Schools, Halls, Markets, Warehouses, publick Buildings, and other Places whatsoever, within the said Parish, towards the erecting, supplying, maintaining, and repairing the Lights aforesaid; Regard being by them always had to the Number of Lamps which shall be found necessary for lighting the same.

All publick Buildings (Hospital excepted) to be rated by the Vestry.

VIII. And it is hereby enacted by the Authority aforesaid, That all and every the respective Churchwardens and Chapelwardens of the said Church and Chapels, and the respective Head Officers, Masters, Wardens, and Governors of all Meeting Houses, Publick Halls, Schools, and the Occupiers or Proprietors of all other Publick Buildings and Places within the said Parish, and the Owners, Farmers, or Occupiers of all and every Market within the same, shall and they respectively are hereby charged with and required to pay the respective Rates and Assessments, which shall from time to time be so rated and assessed upon the said respective Buildings and Places pursuant to this Act.

The Officers of such Buildings to pay the Rates.

IX. Provided always, and be it further enacted by the Authority aforesaid, That no such Assessment to be made in any one Year shall exceed the Rate of Eight Pence in the Pound of the improved yearly Value of any Houses, Shops, Warehouses, or other Buildings so to be assessed and charged by virtue of this Act.

The same not to exceed 8*d*. *per* Pound.

X. Provided nevertheless, and be it enacted by the Authority aforesaid, That if any Person or Persons shall find him, her, or themselves aggrieved by such Rate or Rates, Assessment or Assessments, then upon an Appeal to the next General or Quarter Sessions of the Peace to be held for the County of Middlesex, it shall and may be lawful for the Justices of the Peace, or the greater Number of them assembled, to make such Order therein as to them shall seem meet; which said Order shall be final, and conclude all Parties.

Persons aggrieved may appeal to Quarter-Sessions.

XI. Provided also, and be it enacted and declared, That no Person or Persons who shall be charged in or pay to any Rate or Rates, Assessment or Assessments to be made by virtue or in pursuance of this Act, or being chosen a Watchman or Bedel, shall be deemed or construed thereby to gain any Settlement in the said Parish.

Persons paying these Rates, &c. not to gain any Settlement thereby.

XII. And

Collectors to pay the Monies to such Persons as the Vestry shall appoint,

and twice in every Year, or oftner make Account and Payment,

XII. And be it further enacted by the Authority aforesaid, That all and every Person or Persons who shall be appointed by the said Vestry to collect and receive the Monies due upon such Rate or Rates, Assessment or Assessments within the said Parish, shall from time to time pay over the Monies arising from the same to such Person or Persons as the said Vestry shall appoint; and shall twice in every Year, or oftner, upon Fourteen Days Notice to him or them given, make and yield up to the said Vestry, or to such Persons as they shall appoint for that Purpose, a true and perfect Account of all Sums of Money by him or them received and paid, and also pay and deliver over into the Hands of such other Person or Persons whom the said Vestry shall appoint to receive the same, all such Sums of Money as shall remain in his or their Hands; which said Sums so remaining in his or their Hands, and all Monies whatsoever collected or received, and all Penalties and Forfeitures to be levied and recovered by virtue of this Act, it is hereby declared, shall be applied and applicable to the defraying the Expences of enlightening the said Streets and other Places, making all such Nominations, Appointments, Orders, Regulations, Rates, the Wages of the Bedels and Watchmen, and other Charges incident thereunto, and for defraying the necessary Charges of passing this Act, and not otherwise; and if the said Collector or Collectors shall refuse or neglect to give a just Account, or to pay the Monies remaining in his or their Hands in Manner aforesaid, it shall and may be lawful, upon Complaint and Proof thereof made to Two or more Justices of the Peace for the County of Middlesex, residing in or near the said Parish, and by Warrant under their Hands and Seals to commit such Person or Persons to the common Gaol of the said County, there to remain until he or they shall have made a true Account, and satisfied and paid so much Money as upon the said Account shall be remaining in his or their Hands.

on pain of Imprisonment.

Deficiencies to be made good out of the next Year's Rate.

XIII. Provided also, and be it further enacted by the Authority aforesaid, That in case there shall be any Deficiency in any one of the Rate or Rates, Assessment or Assessments so to be made as aforesaid, either by Land, Houses, Shops, Warehouses, or Buildings being empty, or by the Insolvency or Removal of any of the Inhabitants, Tenants, Occupiers, or otherwise, for which or upon whom the said Rates and Assessments are respectively charged, so that the Charges of enlightening the said Streets and other Places, the Wages or Allowances to the Bedels and Watchmen, and other incident Charges cannot be fully satisfied, paid, and discharged in that Year; then and in any such Case the Deficiency so happening shall be carried to the next succeeding Year's Rate or Rates, and shall be made good thereout; and if there shall happen to be any Surplus Money collected by such Rate or Rates, Assessment or Assessments as aforesaid, such Surplus shall be carried on to the next Year's Credit, and shall be applied for such Uses, and in such Manner, as the Rate or Rates, Assessment or Assessments therein collected, are by this Act directed to be laid out and applied.

Surplus Monies to be carried to the next Year's Credit.

Books of Account to be kept by the Vestry Clerk.

XIV. And be it further enacted by the Authority aforesaid, That an Account of the total Sums assessed, collected, and received within the said Parish, and of all the Monies paid and disbursed for all or any of the Purposes mentioned in this Act, shall be fairly entered in a Book or Books to be provided for that Purpose, and on or before the First Day of August yearly shall be examined, adjusted, and signed at a Meeting of the said Vestry, or of such Persons by the Vestry appointed for that Purpose, and assembled within the said Parish; which said Book or Books and Accounts shall be lodged in the Hands of the Vestry Clerk, and shall and may at all seasonable times be inspected and perused by any of the Inhabitants of the said Parish who shall desire the same, without Fee or Reward.

And to be inspected by any Inhabitant *gratis*.

XV. And whereas several evil-disposed Persons have broken, and may wilfully and maliciously break and destroy the Lamps hung out in the Streets of the said Parish; now to prevent the like malicious Practices for the future, be it further enacted by the Authority aforesaid, That if any Person or Persons shall from and after the First Day of August, One thousand seven hundred and thirty eight, break, throw down, or extinguish any Lamp that is or shall be hung out or set up to light the Streets or other Places, or wilfully damage the Posts, Irons, or other Furniture thereof, every Person so offending therein, and being thereof convicted by the Oath of One or more credible Witness or Witnesses before any One or more Justice or Justices of the Peace for the County of Middlesex residing in or near the said Parish, shall for the first Offence forfeit the Sum of Twenty Shillings for each Lamp so broken, thrown down, or extinguished, or otherwise damaged; and for the second Offence the Sum of Forty Shillings; and for the third Offence the Sum of Three Pounds, to be recovered and levied in such Manner as in this Act is mentioned.

Penalties on breaking, or damaging Lamps.

Property of the Lamps vested in the Churchwardens;

XVI. And be it further enacted by the Authority aforesaid, That the Property of the said Lamps shall be vested in the Churchwardens of the said Parish for the time being, who are hereby authorized and impowered to bring Actions, and prefer Bills of Indictment, against any Person or Persons stealing, taking away, breaking, extinguishing, or spoiling the same.

Monies embezzled to be reassessed on the Parish.

XVII. And to the Intent that responsible Persons may be chosen and appointed Collectors; be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or Receivers of the said Rates and Assessments shall embezil, make away with, detain, or misapply any Sum or Sums of Money so collected by him or them for the Uses aforesaid, the same shall be again rated and laid on the Inhabitants of the said Parish, and collected and levied by a Re-assessment on all the Inhabitants, in Proportion to what they had or ought to have paid.

Justices impowered to hear and determine Offences against this Act,

XVIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Two or more Justices of the Peace for the County of Middlesex, residing in or near the said Parish of Christ Church aforesaid, to hear and determine any of the Offences which are made subject to and punishable by any pecuniary Penalties directed to be levied by this Act; and such Justices are hereby authorized and required, upon any Information exhibited or Complaint made in that Behalf, to summon the Party or Parties

ties accused, and the Witnesses on either side; and in case the said Party or Parties accused shall not appear on such Summons (and after Oath made of the Commission of any of the Offences above mentioned by One or more credible Witness or Witnesses) to issue a Warrant or Warrants for apprehending the Party or Parties offending, and upon Appearance of the Party or Parties accused, or his or their Contempt in not appearing, upon the Proof of Notice given, to proceed to the Examination of the Witness or Witnesses upon Oath (which Oath they are hereby authorized, impowered, and required to administer) and to give Judgement, Sentence, and Determination as shall be just and conformable to the Tenor and true Meaning of this Act; and where the Party or Parties accused shall be convicted of such Offence, either upon such Information as aforesaid, or on Confession of the Party or Parties accused, it shall and may be lawful for such Justices, or the major Part of them, to issue a Warrant or Warrants for levying the pecuniary Penalties or Forfeitures so adjudged, on the Goods and Chattles of the Offender or Offenders, and to cause Sale to be made thereof in case they shall not be redeemed in Five Days, rendering to the Party or Parties the Overplus (if any there be) after deducting the reasonable Charges of such Distress and Sale, upon Demand; and in case any Person or Persons shall be so convicted as aforesaid, and no Goods or Chattels of such Person or Persons so offending can at the time of such Conviction be found; then and in such case it shall and may be lawful to and for such Justices of the Peace, or the major Part of them, before whom such Person or Persons shall be convicted as aforesaid, to commit such Offender or Offenders to the House of Correction, there to be kept to hard Labour for any time not exceeding Three Months, unless such pecuniary Penalty or Penalties shall be sooner paid.

and to mitigate Forfeitures to one Moiety.

XIX. Provided nevertheless, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Justices of the Peace, from time to time where they shall see Cause, to mitigate, compound, or lessen any of the said Forfeitures or Penalties, as they in their Discretions shall think fit; so as such Mitigation do not extend to remit above One Moiety of the said Forfeitures and Penalties inflicted and directed to be levied by this Act; and every such Mitigation shall be a sufficient Discharge to the Persons offending respectively, for so much of the said Penalties and Forfeitures as shall be so lessened, mitigated, or remitted.

Persons paying the Rates exempt from the Penalties of the Act 2 *W. & M. c.* 8. in relation to hanging out Lights;

and to Watch and Ward.

XX. Provided, and it is hereby enacted and declared, That no Person or Persons who shall be rated, and pay to any Rate or Rates, Assessment or Assessments, to be made in pursuance of this Act, shall be liable to any Pains or Forfeitures for not setting or hanging out Candles or Lights in Lanthorns on the Outside of their House next the Street, from Michaelmas until Lady-day in every Year, according to the Directions of the Act of Parliament passed in the Second Year of the Reign of their late Majesties King William and Queen Mary, intituled, An Act for paving and cleansing the Streets in the Cities of *London* and *Westminster*, and Suburbs and Liberties thereof, and Out Parishes in the County of *Middlesex*, and in the Borough of *Southwark*, and other Places within the Weekly Bills of Mortality, in the County of *Surrey*; and for regulating the Markets therein mentioned; or to any Watch or Ward by virtue of the Statute commonly called The Statute of *Winchester*, made in the Thirteenth Year of King Edward the First, or any other subsequent Statute relating thereto; but shall be, and are hereby discharged of and from the same.

Limitation of Actions.

XXI. And be it further enacted by the Authority aforesaid, That if any Suit shall be brought or commenced against any Person or Persons for any thing done in pursuance of this present Act, or in relation to the Premisses, that in every such Case the Action shall be commenced within Three Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County of Middlesex, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act; and if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, that then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

XXII. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges and Justices, and other Persons whatsoever, without specially pleading the same.

CAP. XXXVI.

An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, one of the Fourth, and the other of the Sixth Year of the Reign of His late Majesty King *George* the First, for repairing the Roads from the *Stones End* in *Kent Street*, in the Parish of *Saint George* in *Southwark* in the County of *Surrey* (leading to the *Lime Kilns* in *East Greenwich*) to the first *Mill Pond* at *South End*, in the Parish of *Lewisham* in the County of *Kent*; and for amending the Road from *Westminster Ferry* at *Lambeth*, in the said County of *Surrey*, to *New Cross* in *Deptford* in the said County of *Kent*; and for amending and making the said Acts more effectual; and for amending the Roads from the *Lime Kilns* aforesaid to the Town of *Dartford* in the said County; and from a Place called *Saint Thomas a Waterings*, in the said Parish of *Saint George*, to the *Stones End* in *Bermondsey Street* in the said County of *Surrey*.

Preamble, reciting the Act 4 *Geor.* I. *not printed.*

WHEREAS an Act passed in the Fourth Year of his late Majesty King *George*, intituled, *An Act for repairing the Highways leading from the* Stones End *in* Kent Street, *in the Parish of* Saint George's Southwark, *in the County of* Surrey, *to the* Lime Kilns *in* East Greenwich *near* Black Heath, *and to* Lewisham *Church*,

Church, being the Tunbridge *Road, in the County of* Kent, was made to continue from the Five and twentieth Day of *March*, One thouſand ſeven hundred and eighteen, for and during the Term of Eleven Years: And whereas another Act paſſed in the Sixth Year of the Reign of his late Majeſty King *George*, for enlarging the Term granted by the Act aforeſaid, and for repairing and amending the Highways and Roads leading from *Weſtminſter Ferry* in the Pariſh of *Lambeth* in the County of *Surrey*, to *New Croſs* in the Pariſh of *Deptford* in the County of *Kent*; and for enlarging the Term granted by an Act paſſed in the Fourth Year of His Majeſty's Reign, intituled, *An Act for amending the Roads from the City of* London, *to the Town of* Eaſt Grinſtead *in the County of* Suſſex, *and to* Sutton *and* Kingſton *in the County of* Surrey; *and for explaining and amending the ſame Act*; by which laſt mentioned Act of the Sixth Year of his late Majeſty, the aforeſaid Term of Eleven Years was enlarged for the further Term of Ten Years, to commence from and after the Expiration of the aforeſaid Term of Eleven Years: and other Powers were thereby granted and given: And whereas the Truſtees appointed to put the ſaid recited Acts in Execution, have upon the Credit thereof borrowed a conſiderable Sum of Money, which together with the Tolls and Duties collected have been laid out and expended in repairing the ſaid Roads; and although great Progreſs hath been made in amending the ſame, yet the Roads cannot be effectually repaired according to the true Intent and Meaning of the ſaid Acts, and the Monies advanced on the Credit thereof be repaid, unleſs the Terms thereby granted be further enlarged, and the ſaid Acts made more effectual: And whereas the Road leading from the *Lime Kilns* in *Eaſt Greenwich* near *Black Heath* aforeſaid to the *Cock* and *Lion* Back-gate at the Weſt End of the Town of *Dartford* in the ſaid County of *Kent*, and alſo the Road leading from the Turnpike now erected near to a Place called *Saint Thomas a Waterings*, in the Pariſh of *Saint George*, to the *Stones End* in *Bermondſey Street* in the ſaid County of *Surrey* (which ſaid laſt mentioned Roads join the Roads directed to be repaired by the ſaid former Acts, or one of them) are by reaſon of many heavy Carriages frequently paſſing through the ſame, become bad and ruinous in the Winter Seaſon, and ſome Parts thereof are ſo very narrow, that Coaches and Carriages cannot paſs by each other; which ſaid laſt mentioned Roads cannot be effectually repaired and widened, unleſs ſome other Proviſion be made for that Purpoſe:

6 *Geo.* I. *c.* 26.

The Tolls, &c. are further continued for 38 Years.

CAP. XXXVII.

An Act for enlarging the Term and Powers granted in and by an Act made in the Tenth Year of her late Majeſty Queen *Anne*, *for enlarging, amending, and maintaining the Road between* Northfleet, Graveſend, *and* Rocheſter, *in the County of* Kent; and alſo another Act made in the Eleventh Year of his late Majeſty King *George* the Firſt, *for enlarging the Term granted by the ſaid former Act, and for other Purpoſes therein mentioned*; and for explaining and amending the ſaid Acts; and alſo for repairing the Highway from *Northfleet* aforeſaid to *Dartford* in the ſaid County.

Preamble reciting the Acts 10 *Annæ, not printed.*

& 11 *Geo.* I. *cap.* 5.

WHEREAS an Act of Parliament was made in the Tenth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for enlarging, amending, and maintaining the Road betwixt* Northfleet, Graveſend, *and* Rocheſter, *in the County of* Kent; which was to be in Force for the Space of Thirteen Years from the Commencement thereof: And whereas by another Act made in the Eleventh Year of his late Majeſty King *George* the Firſt, intituled, *An Act for enlarging the Term granted by an Act made in the Tenth Year of her late Majeſty's Reign, for amending and maintaining the Road betwixt* Northfleet, Graveſend, *and* Rocheſter, *in the County of* Kent, *and for explaining the ſame Act, and for appropriating Part of the Money ariſing thereby, towards repairing the Road between the Town of* Chatham, *and* Boughton under the Blean, *in the ſaid County of* Kent; the ſaid former Act was revived and continued for the Space of Fifteen Years longer, from the Expiration of the ſaid Term of Thirteen Years above mentioned; and by the ſame Act it was enacted, That One hundred Pounds of the Money ariſing by the Tolls and Duties directed to be raiſed by the Two former Acts, ſhould be applied yearly for the widening and more effectual repairing and amending the Road leading from the Eaſt End of the Town of *Chatham* in the ſaid County of *Kent*, to *Boughton-ſtreet under the Blean*, in the ſaid County: And whereas by another Act made in the Third Year of His preſent Majeſty, intituled, *An Act for repairing and widening the Road from that Part of* Chatham *which lies next to the City of* Rocheſter, *to St.* Dunſtan's Croſs, *near the City of* Canterbury *in the County of* Kent; *and for repealing ſo much of a former Act as appropriates Part of the Money ariſing by the Tolls or Duties therein mentioned, towards repairing the Road between the Town of* Chatham, *and* Boughton under the Blean *in the ſaid County of* Kent; it was enacted, That ſo much of the laſt above recited Act as appropriated the ſaid yearly Sum of One hundred Pounds, to be paid out of the Tolls and Duties ariſing thereby, for the repairing of the ſaid Road between *Chatham* and *Boughton under the Blean*, ſhould from and after the Sixth Day of *June*, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, ſtand repealed; by virtue of which ſaid laſt mentioned Act, the whole Tolls and Duties ariſing by the ſaid Two firſt above recited Acts are again become applicable to the Purpoſes for which they were at firſt appointed: And whereas by the great Care and prudent Management of the Juſtices of the Peace of the ſaid County, acting as Truſtees under and by virtue of the ſaid Two firſt recited Acts, the Road from *Northfleet* to *Rocheſter* is greatly improved, and rendered very commodious for Paſſengers travelling through the ſame, and the Money now ariſing by the ſaid Tolls and Duties is more than ſufficient to keep the ſaid Road in good and ſufficient Repair: And whereas the Road leading from the Town of *Dartford* in the ſaid County of *Kent* to *Northfleet* aforeſaid (being a Part of the great and main Road from *London* to *Dover*) is in many Places very narrow, and in a very bad and ruinous Condition; and the Pariſhes of *Dartford*, *Stone Swanſcomb*, and *Northfleet*, through which the ſaid Road lies, by reaſon of the many croſs Roads that lead through the ſaid Pariſhes, are not in any wiſe able ſufficiently to repair the ſaid publick Road above mentioned by their ſtatutable Labour or the Laws now in being:

3 *Geo.* II. *c.* 15.

The Tolls are further continued for 21 Years.

CAP. XXXVIII.

An Act for veſting the Real and Perſonal Eſtate of *Hugh Naiſh* Eſquire, who was late a Priſoner in His Majeſty's Priſon of the *Fleet*, and eſcaped out of the ſame, in Truſtees, for the Benefit of his Creditors.

Preamble.

10 *Geo.* II. *cap.* 26.

WHEREAS by an Act of Parliament made in the laſt Seſſions of this preſent Parliament, intituled, *An Act for Relief of Inſolvent Debtors*, reciting, That whereas ſeveral Perſons who were Priſoners for Debt, choſe rather to continue in Priſon, and ſpend their Subſtance there, than diſcover and deliver up to their

their Creditors their Eſtate and Effects in order to the Satisfaction of their juſt Debts, it was enacted, That it ſhould and might be lawful to and for any One or more of the Creditors of any Priſoner committed ſince the Firſt Day of *January*, in the Year of our Lord One thouſand ſeven hundred and thirty, at whoſe Suit he or ſhe was detained in Priſon upon the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, upon Thirty Days Notice in Writing to be given to ſuch Priſoner and the Perſon in whoſe Cuſtody he or ſhe was, to require the Sheriff or Sheriffs, Gaoler or Gaolers, or Keeper of the Priſon wherein ſuch Priſoner was detained, to bring ſuch Priſoner before the Juſtices at their next General or Quarter Seſſions of the Peace for their reſpective County, Riding, Diviſion, City, Town, or Liberty, together with a Copy or Copies of the Cauſe or Cauſes of his or her Detainer; and ſuch Priſoner coming before ſuch Juſtices at the ſaid General or Quarter Seſſions, ſhould at the Deſire of any one or more of his or her Creditors, at whoſe Suit he or ſhe ſhould appear to be detained, be obliged to deliver in upon Oath and ſubſcribe a Schedule of his or her Eſtate and Effects, to be veſted, aſſigned, and equally divided for the Benefit of his or her Creditors, in like Manner as Perſons deſiring to take the Benefit of the ſaid Act are required to do, ſubject to the ſame Penalties of being adjudged a Felon, and ſuffering as ſuch, without Benefit of Clergy, on Conviction of wilful Perjury therein, as the other Priſoners therein named are thereby ſubjected to; and ſhould upon ſuch Diſcovery to the Satisfaction of the ſaid Juſtices in their ſaid General or Quarter Seſſions, or the major Part of them, be diſcharged and ſet at Liberty, in the ſame Manner, and with the ſame Benefit of making uſe of their Diſcharge, as is thereby provided for Priſoners ſeeking their Diſcharge under the ſaid Act; and if any ſuch Priſoner ſo brought up as aforeſaid ſhould neglect or refuſe to deliver in and ſubſcribe ſuch Schedule within Sixty Days, he, ſhe, or they ſo neglecting or refuſing, ſhould upon Conviction thereof be adjudged guilty of Felony, and ſhould ſuffer Death as a Felon, without Benefit of Clergy, provided that the Creditors who intended to compel ſuch Priſoners to deliver in any ſuch Schedule of their Eſtate and Effects, ſhould give publick Notice thereof in the *London Gazette* Thirty Days at leaſt before the ſaid General or Quarter Seſſions, to the end the other Creditors of ſuch Priſoners might be appriſed thereof, and come in for their diſtributive Share, which they are by the ſaid Act impowered to do in like Manner as is provided for the Creditors of Perſons ſeeking their Diſcharge under the ſaid Act: And whereas *Hugh Naiſh*, late of the *Middle Temple*, *London*, Eſquire, was committed to the *Fleet* Priſon for Debt ſince the Firſt Day of *January*, One thouſand ſeven hundred and thirty, to wit, on the Twenty ninth Day of *June*, One thouſand ſeven hundred and thirty one, and was detained in the ſaid Priſon for Debt upon the Firſt Day of *January*, One thouſand ſeven hundred and thirty ſix, at the reſpective Suits of ſeveral Perſons for very large and conſiderable Debts by him due and owing: And whereas ſeveral Perſons, at whoſe Suit he the ſaid *Hugh Naiſh* was ſo detained in Priſon for Debt, did, upon the Ninth Day of *July*, One thouſand ſeven hundred and thirty ſeven, give Notice in Writing unto *John Garth* Eſquire, then and now Warden of the ſaid Priſon of the *Fleet*, requiring him to bring the ſaid Priſoner *Hugh Naiſh* before the Juſtices at the then next General or Quarter Seſſions of the Peace, or the adjournment thereof, which ſhould firſt happen to be held for the City of *London* (in which City the ſaid Priſon of the *Fleet* is ſituate) next after the Expiration of Thirty Days from the Date thereof, with a Copy or Copies of the Cauſe or Cauſes of his Detainer, in order that the ſaid *Hugh Naiſh* might be obliged to deliver in upon Oath and ſubſcribe a Schedule of his Eſtate and Effects, to be veſted, aſſigned, and equally divided for the Benefit of his Creditors, conformable to the Directions of the ſaid Act of Parliament; and did alſo the ſame Day give Notice in Writing to the ſaid *Hugh Naiſh*, then detained and being in the ſaid Priſon for Debt at their reſpective Suits, that they intended to have him the ſaid *Hugh Naiſh* brought before the Juſtices of the Peace at their next General or Quarter Seſſions of the Peace, or the Adjournment thereof, which ſhould firſt happen to be held for the City of *London* next after the Expiration of Thirty Days from the Date thereof, in order that he the ſaid *Hugh Naiſh* might then and there be obliged to deliver in upon Oath and ſubſcribe a Schedule of his Eſtate and Effects, to be veſted, aſſigned, and equally divided for the Benefit of his Creditors, purſuant to the Direction, Intent, and Meaning of the ſaid Act, and did alſo give publick Notice thereof in the *London Gazette*, as by the ſaid Act is required: And whereas the ſaid *Hugh Naiſh* at the Time of paſſing the ſaid Act of Parliament was ſeized of, intereſted in, and intitled unto a real and perſonal Eſtate ſufficient to pay all his juſt Debts; yet the ſaid *Hugh Naiſh*, in order to elude the ſaid Act of Parliament, and to fruſtrate the good End and Proviſions thereby made for the Benefit of his Creditors, and with Intent to cheat and defraud his Creditors of their juſt Debts and Demands, after ſuch Notice in Writing given to him and the ſaid Warden, and publiſhed in the *London Gazette* as aforeſaid, eſcaped from the ſaid Priſon of the *Fleet*, and fled and now reſides beyond the Seas, and has taken and carried away with him great Part of his Eſtate and Effects, and the Deeds, Evidences, and Writings of and belonging to his ſaid Eſtates; and by Reaſon and Means thereof the Creditors of the ſaid *Hugh Naiſh* were and are prevented from obtaining an Aſſignment of his the ſaid *Hugh Naiſh*'s Eſtate and Effects, to be divided amongſt them according to the Direction of the ſaid Act; and in regard the Creditors of the ſaid *Hugh Naiſh* cannot come at any Satisfaction for their reſpective Debts, or compel him, whilſt beyond the Seas, by the ordinary Courſe of Juſtice, to conform to the Direction of the ſaid Act of Parliament, *&c.*

CAP. XXXIX.

An Act to enable the Adventurers, Owners, and Proprietors of the *Taxable Lands*, and the Owners and Proprietors of the *Free Lands*, in *Deeping Fens* and other Fens in the County of *Lincoln* therein mentioned, to raiſe a competent Sum of Money for the effectual draining and future Preſervation of all the ſaid Fens, according to their Agreement in that Behalf, and to carry the ſaid Agreement into Execution, and for other the Purpoſes therein mentioned.

WHEREAS by an Act of Parliament made in the Sixteenth and Seventeenth Years of the Reign of his Majeſty King *Charles* the Second, intituled, *An Act for draining of the Fen called* Deeping Fen, *and other Fens therein mentioned*, *Edward* then Earl of *Mancheſter*, and other Honourable Perſons therein named, their Heirs, and Aſſigns, and the Survivors of them, were declared Undertakers for the draining the ſaid Fens, in Truſt to and for ſuch Perſon and Perſons, and to ſuch Intents and Purpoſes as are therein mentioned; which ſaid Fens are deſcribed by the ſaid Act to be in *Holland* and *Keſteven* in the County of *Lincoln*, and called or known by the Names of *Deeping Fen*, *Pinchbeck*, and *Spalding South Fen*, *Thurlby Fen*, *Bourn South Fen*, and *Croyland Fen*, otherwiſe *Goggufhland*, and contain in the whole about Thirty thouſand Acres; and One third Part of the ſaid Fens, being Ten thouſand and thirty ſix Acres, or thereabouts, thentofore allotted to *Thomas Lovell* Eſquire, therein named, his Heirs and Aſſigns; and Five thouſand Acres more of the ſaid Fen Lands afterwards added thereto as a Recompence and Satisfaction for the Charges and Expences which they had then before been at, and would be at, in and about the draining the ſaid Fens, Preamble reciting the Act 16 & 17 *Car.* II. *cap.* 11.

were veſted in the ſaid Truſtees, their Heirs, and Aſſigns, in Truſt, as to the ſaid Ten thouſand and thirty ſix Acres thereof now called the *Taxable Lands*, to be conveyed by the ſaid Truſtees to ſuch Perſon or Perſons, for ſuch Eſtate and Eſtates, in ſuch Manner as *Thomas* Earl of *Berkſhire*, and others therein named, ſhould appoint: And as for the ſaid Five thouſand Acres, now called the *Free Lands*, in Truſt for the ſaid Earl of *Berkſhire*, and others therein named, according to their reſpective Intereſts therein; and all the ſaid Fen Lands ſo veſted in the ſaid Truſtees as aforeſaid, were by the ſaid Act to be fenced and incloſed by the ſaid Truſtees, their Heirs, and Aſſigns, againſt the Lords and Commoners of the Reſidue of the ſaid Fens; and Liberty was thereby given for the ſaid Lords and Commoners to incloſe and ſever and hold in Severalty ſuch Quantities of the reſt of the ſaid Fens, as ſhould be proportionable to their reſpective Intereſts therein, ſubject to the Powers given by the ſaid Act to the ſaid Truſtees for draining the ſaid Fens, as if thoſe Lands had remained common and unincloſed: And by the ſaid Act it was enacted, That it ſhould and might be lawful to and for ſuch Perſon and Perſons, their Heirs, and Aſſigns, or any Three or more of them, being then a real Owner of Two hundred and fifty Acres of the ſaid Land or more within the ſaid Fen, to whom the ſaid Truſtees, their Heirs, or Aſſigns, ſhould execute any Eſtate or Eſtates of the ſaid Ten thouſand and thirty ſix Acres, or any Part thereof, to be Adventurers, and as Adventurers under the ſaid Truſtees, their Heirs, or Aſſigns, in draining the ſaid Fens, at all Times and from time to time from thenceforth to hold Meetings for ſuch Purpoſes as in the ſaid Act are more particularly mentioned; and to aſſeſs, rate, tax, and charge all and every the Owner or Owners of the ſaid Ten thouſand and thirty ſix Acres of the ſaid Lands, by an equal and proportionable Acre Tax, for carrying on and effecting the ſaid Work, and to appoint the Payment thereof at ſuch Times and Places as they ſhould direct; and in Default of Payment of ſuch Rates to ſell ſo much of the Defaulter's Lands for Payment thereof, as to them ſhould ſeem meet, in ſuch Manner and Form, and by ſuch Ways and Means, as by the ſaid Act is in that Behalf directed; ſubject nevertheleſs to the Conditions and Forfeitures contained in the ſaid Act: And whereas by one other Act of Parliament made in the Twenty ſecond Year of the Reign of his ſaid Majeſty King *Charles* the Second, intituled, *An Act for ſettling the draining of the Fens in* Lincolnſhire, *called* Deeping Fens; the Meetings of the ſaid Undertakers ſo qualified as aforeſaid were appointed to be held for ever thereafter at the Town of *Spalding*, on the *Thurſday* next after the Second *Sunday* in *April* yearly, for laying the ſaid Tax, and the Time for Payment thereof was appointed to be on the Tenth Day of *October* then next following; and if the ſame ſhould not be paid on or before the Tenth Day of *November* then next following, then the ſame with the Penalty thereby to be impoſed (not exceeding the Third Part of the ſaid Tax) ſhould be levied by Sequeſtration and Sale of the Lands of the Defaulters, at ſuch Time, and in ſuch Manner, as by the ſaid Act is directed; and that no Tax for draining or preſerving the ſaid Fens ſhould at any Time thereafter be taxed or levied at any other Time, or in any other Manner than as aforeſaid: And whereas the ſaid Ten thouſand and thirty ſix Acres, and the ſaid Five thouſand Acres of the ſaid Lands have been long ſince fenced and incloſed by the ſeveral and reſpective Owners and Proprietors thereof, according to the Powers given by the ſaid firſt recited Act in that Behalf; and the ſame and all the reſt of the ſaid Fens were long ſince drained and kept drained for ſome Years; yet notwithſtanding all the Endeavours that have been uſed by the late and preſent Owners and Proprietors of the ſaid Taxable Lands for many Years, to preſerve and keep all the ſaid Fen Lands drained, the ſame have for ſeveral Years laſt paſt been and now are ſo overflowed with Waters through the Defects of their Outfalls to Sea and other Cauſes, that little or no Profit can be made of them, to the great Loſs and Damage of the Owners and Proprietors as well of the ſaid Free Lands as Taxable Lands, and to the Impoveriſhment of the Commoners having Right of Common in the reſt of the ſaid Fens, being about Fifteen thouſand Acres, and for which ſaid Cauſes and Reaſons about Four thouſand Acres of the ſaid Taxable Lands have become forfeited for Nonpayment of the draining Taxes charged thereon, and may be ſold by the ſaid Adventurers, or any Three of them, ſo qualified as aforeſaid, by virtue of the ſaid ſeveral recited Acts or one of them: And foraſmuch as the ſaid Fens can never be made profitable, unleſs ſome new Methods be taken to recover the ſame, and which according to a Scheme and Eſtimate made thereof will coſt about Fifteen thouſand Pounds; and foraſmuch alſo as it is provided and enacted by the ſaid firſt recited Act, That if the ſaid Truſtees therein named, their Heirs, or Aſſigns, ſhould not inn, drain, and keep dry the ſaid Fens, as by the ſaid firſt recited Act is directed, or ſhould wilfully or negligently ſuffer the ſaid Fens and Waſtes, or the moſt Part of them, to be again drowned and overflowed by the Space of Five Years after the Expiration of the Time thereby limited for their inning and draining the ſaid Fens, and that the ſame ſhall be found and adjudged hurtfully ſurrounded through ſuch Default by ſuch Number of Commiſſioners of Sewers as are thereby appointed, and by ſuch Ways and Means as are therein directed in that Behalf; that then and from thenceforth the ſaid Truſt of the ſaid Truſtees of and in the ſaid Ten thouſand and thirty ſix Acres, and Five thouſand Acres of the ſaid Lands, and all and every the Eſtate and Eſtates by them executed of all or any of thoſe Lands, ſhall ceaſe, determine, and be utterly void to all Intents and Purpoſes whatſoever, and ſhall not be helped, altered, or relieved by any Courſe of Law or Equity; and that then and from thenceforth the ſaid Truſtees, their Heirs, and Aſſigns ſhall ſtand and be ſeized of all ſuch the ſaid Lands, in Truſt to permit and ſuffer the Commiſſioners of Sewers for the Places therein named to take the whole Rents, Iſſues, and Profits thereof, to be laid out and expended for regaining the ſaid Fens, and for other the Purpoſes therein mentioned; and to make and execute ſuch Eſtate or Eſtates thereof as ſhall be directed and appointed by ſuch Number of the ſaid Commiſſioners, and in ſuch Manner as is thereby directed: Therefore for preventing the Loſs of ſuch the ſaid Taxable Lands and Free Lands, and for the Preſervation of the Eſtates and Intereſts therein of the ſeveral Owners and Proprietors thereof, and for the Recovery and future Preſervation of all the ſaid Fens, the greater Part of the Owners and Proprietors of the ſaid Free Lands, in Number of Perſons and Quantity of Land, have come to an Agreement in Writing with the ſaid Owners and Proprietors of the ſaid Taxable Lands, by Deed Poll bearing Date the Twenty third Day of *February*, in the Year of our Lord One thouſand ſeven hundred and thirty ſeven, to join with the ſaid Owners and Proprietors of the ſaid Taxable Lands in making Application to Parliament, to obtain an Act to enable them to raiſe the ſaid Sum of Fifteen thouſand Pounds for the effectual draining and future Preſervation of all the ſaid Fens by ſuch Ways and Means, and upon ſuch Terms and Conditions, as are ſet forth in the ſaid Agreement, and to carry the ſaid Agreement into Execution, and make the ſame binding upon all Parties, in ſuch Manner as by the ſaid Agreement is aſcertained and provided; which ſaid Agreement is as follows; that is to ſay,

Act 22 *Car.* II. not printed.

Agreement of the Proprietors of the Taxable and Free Lands.

WHEREAS *the Owners and Proprietors of certain Lands called* The Free Lands, *containing in the whole Five thouſand Acres or thereabouts, lying and being in* Holland *and* Keſteven, *in the County of* Lincoln, *called* Deeping Fen, Pinchbeck, *and* Spalding South Fen, Thurlby Fen, Bourn South Fen, *and* Crowland Fen, *and who have executed theſe Preſents, and who are the greater Part of the Owners of the ſaid Free Lands,*

in Number of Perſons, and Quantity of Acres, from the frequent Repreſentations made to them by the Adventurers, Owners, and Proprietors of the Lands in the ſaid Fens called Taxable Lands, *containing in the whole Ten thouſand Acres or thereabouts, and by long Experience, have found, that notwithſtanding the great Expence which the ſaid Adventurers, and Owners of the ſaid Taxable Lands, and thoſe under whom they claim an Intereſt therein, have been at, and the great Endeavours which have been uſed by them reſpectively, to keep that whole Level drained, being in the whole about Thirty thouſand Acres of Fen Land, the ſaid Adventurers, Owners of the ſaid Taxable Lands, have not been able ſo to do, by reaſon of the many Accidents and Misfortunes they have ſo often met with, and other Cauſes which prevented them therein, and for which Reaſons and Cauſes the whole Level has for many Years paſt been ſo frequently drowned, that very little or no Profit could be made thereof, to the great Loſs of all, and Impoveriſhment of many, of the Proprietors of the ſaid Level, and by which Means about Four thouſand Acres of the ſaid Taxable Lands are now become forfeited and veſted in the ſaid Adventurers or Proprietors of the ſaid Taxable Lands for Non-payment of the Draining Taxes chargeable thereon purſuant to and by virtue of Two ſeveral Acts of Parliament made in the Reign of his late Majeſty King* Charles *the Second, for draining the ſaid Fens; and that the ſaid Level can never be made profitable, unleſs ſome new Methods be taken to recover and ſecure the ſame; and it having been computed by ſkilful and able Engineers employed for that Purpoſe, that it will coſt at leaſt Fifteen thouſand Pounds to recover and regain the ſaid Level according to the Scheme and Eſtimate made thereof; and the Owners of the ſaid Free Lands, who have executed theſe Preſents, being fully ſatisfied that the ſaid Level cannot be regained and ſecured without a great Expence, which cannot be raiſed on the ſaid Taxable Lands alone, have therefore readily conſented, That the Sum of Five thouſand Pounds, Part of the ſaid Fifteen thouſand Pounds, ſhall be raiſed by an Acre Rate of Twenty Shillings an Acre upon the ſaid Free Lands for ſuch the Purpoſes aforeſaid, in caſe an Act of Parliament ſhall be obtained to enable them and the reſt of the ſaid Owners of the ſaid Free Lands to raiſe the ſame; and the ſaid Adventurers, Owners and Proprietors of the ſaid Taxable Lands, who have alſo executed theſe Preſents, and by their Conſtitution under the ſaid ſeveral Acts of Parliament are a ſufficient Number to treat with the ſaid Owners of the ſaid Free Lands, and by their Acts to bind the reſt of the Owners of the ſaid Taxable Lands who ſhall not execute theſe Preſents, have alſo conſented, That the Sum of Six thouſand Pounds, other Part of the ſaid Fifteen thouſand Pounds, ſhall be raiſed by a like Acre Tax of Twenty Shillings* per *Acre, to be laid on the ſaid Six thouſand Acres of the ſaid Taxable Lands, and as by the ſaid Two ſeveral Acts of Parliament they are impowered to do; and that as the ſaid Five thouſand Pounds, and Six thouſand Pounds ſhall be raiſed, the ſame ſhall be laid out and expended for the Purpoſes herein after mentioned; and that when both thoſe Sums ſhall have been raiſed, then and not before the ſaid Four thouſand Acres of the ſaid Taxable Lands, which have been already forfeited for Non-payment of the Taxes chargeable thereon, and are thereby become veſted in the ſaid Adventurers, and other the ſaid Taxable Lands which ſhall become forfeited, and as the ſame ſhall become forfeited from time to time, ſhall be ſold for the moſt Money that can be got for the ſame; and the ſaid Five thouſand Pounds, and Six thouſand Pounds, and the Money ariſing by ſuch Sale, and the Rents and Profits of the ſaid forfeited Lands in the mean Time as far as the ſame will reach to make up the ſaid Fifteen thouſand Pounds, ſhall be applied for the perfecting the draining the ſaid Level, and for the Maintenance and future Preſervation thereof, and of the Banks, Drains, Sluices, and other Works thereof, according to the ſaid Scheme and Eſtimate thereof as aforeſaid: Therefore we the Proprietors of the ſaid Free Lands, whoſe Hands and Seals are hereunto ſubſcribed and ſet with the reſpective Quantities of Lands appearing againſt the ſame, do hereby voluntarily and freely agree to join with the ſaid Owners of the ſaid Taxable Lands, in applying to Parliament for an Act to enable us and the reſt of the Owners of the ſaid Free Lands who ſhall not have executed theſe Preſents, or who by reaſon of their Incapacity or other Diſabilities in Law cannot join herein, to raiſe and pay into the Hands of Sir* Francis Whichcote *Baronet, Treaſurer, or his Deputy, or the Treaſurer or his Deputy for the time being, of the ſaid Taxable Lands, the ſaid Sum of Five thouſand Pounds, in the Shares and Proportions herein after mentioned, whenſoever ſuch Act of Parliament ſhall be obtained as aforeſaid; that is to ſay, Thirteen Shillings and four Pence* per *Acre, Part thereof, on or before the Twenty fourth Day of* June *next after the Commencement of the ſaid Act, Three Shillings and four Pence more, other Part thereof, on or before the Twenty fourth Day of* June *next enſuing the ſaid Time ſo limited for the Payment of the ſaid Thirteen Shillings and four Pence* per *Acre, and the remaining Three Shillings and four Pence on or before the Twenty fourth Day of* June *next enſuing the ſaid Time ſo limited for the ſaid Payment of the ſaid firſt mentioned Three Shillings and four Pence* per *Acre; and we the Owners and Proprietors of the ſaid Taxable Lands, whoſe Hands and Seals are alſo hereunto ſubſcribed and ſet with the reſpective Quantities of Land appearing againſt the ſame, do hereby agree, That (in caſe ſuch Act of Parliament as aforeſaid ſhall be obtained) a Tax of Twenty Shillings* per *Acre ſhall be laid on the ſaid Six thouſand Acres of the ſaid Taxable Lands, at our publick Meeting to be held purſuant to the ſaid Acts of Parliament herein before mentioned next after the Commencement of the ſaid Act of Parliament ſo to be obtained as aforeſaid, for raiſing the ſaid Sum of Six thouſand Pounds upon the ſaid Six thouſand Acres of Taxable Lands, and that as the ſame ſhall be raiſed, the ſame ſhall be paid to the ſaid Sir* Francis Whichcote *Treaſurer, or his Deputy, or the Treaſurer or his Deputy for the time being, of the ſaid Taxable Lands, at the like Times, in the like Portions, and for the like Purpoſes, as the ſaid Five thouſand Pounds is agreed to be raiſed and paid by the ſaid Free Land Owners. And it is hereby further agreed by all the Parties to theſe Preſents, That as the ſaid ſeveral Sums of Five thouſand Pounds, and Six thouſand Pounds ſhall be ſo raiſed as aforeſaid, the ſame ſhall from time to time be iſſued, paid, and applied for the draining the ſaid Fens according to the ſaid Scheme or Eſtimate above mentioned, in ſuch Manner as the Majority of the Owners of the ſaid Free Lands, and the Majority of the Owners of the ſaid Taxable Lands, according to their reſpective Quantities of Acres, who ſhall be preſent at ſuch the ſaid publick Meeting to be held as aforeſaid, or the Attorney or Attorneys lawfully conſtituted in that Behalf of ſuch of the ſaid Owners, as well of the ſaid Free Lands as Taxable Lands, who ſhall be then abſent, ſhall order and direct; and ſuch Application and Payment of the ſaid Money purſuant to ſuch Order or Appointment ſhall be a full and effectual Diſcharge to the Treaſurer or his Deputy for the time being, his and their Heirs, Executors, and Adminiſtrators, for the Sums he or they ſhall ſo iſſue: And foraſmuch as ſome few of the Proprietors of the ſaid Free Lands to the Amount of about One thouſand Acres cannot by reaſon of their Incapacity or other Diſabilities in Law join in this Agreement, and for that alſo the Owners of the ſaid Free Lands have not any Power to raiſe and levy the ſaid Acre Rate ſo agreed to be raiſed by them as aforeſaid; it is therefore agreed, That an humble Application ſhall be made to Parliament, to obtain an Act to impower the ſaid Owners of the ſaid Free Lands to raiſe the ſaid Acre Rate upon all their ſaid Lands, by ſuch Ways and Means as ſhall be thereby provided, and to carry this Agreement into Execution, and make the ſame binding on all Parties to be benefited thereby, and to reimburſe ſuch Perſon or Perſons who ſhall be minded to advance and pay the Shares and Proportions of ſuch the ſaid Proprietors of the ſaid Free Lands as are under ſuch Incapacities or Diſabilities as aforeſaid, all ſuch Monies as ſhall be advanced and paid by ſuch Perſon or Perſons as aforeſaid to the ſaid Treaſurer, or his Deputy for the time being, for the Share and Proportion of ſuch the ſaid Proprietors of the ſaid Free Lands under ſuch Incapacity or Diſability as aforeſaid, out of the yearly Profits of the Lands of ſuch the ſaid Proprietors, and not otherwiſe,*

otherwiſe, until ſuch Monies with legal Intereſt ſhall be fully ſatisfied and repaid, any thing aforeſaid to the contrary thereof notwithſtanding; it being intended that ſuch the Shares and Proportions of ſuch Perſons under ſuch Incapacities or Diſabilities as aforeſaid ſhall be raiſed upon the Credit of ſuch Proviſion to be made by the ſaid Act in that Behalf, rather than a Work of ſo much Conſequence to the Publick ſhould be delayed or fruſtrated for want thereof. In Witneſs whereof we the ſaid Owners and Proprietors of the ſaid Free and Taxable Lands have hereunto ſet our Hands and Seals, with our reſpective Quantities of Land, as well Free as Taxable, againſt our reſpective Names, the Twenty third Day of February, *One thouſand ſeven hundred and thirty ſeven.*

Free Lands:

Eleven hundred and fifty one Acres, Rutland; *Five hundred and fifty Acres,* C. Bertie; *Five hundred and thirty two Acres,* Weyman Lee; *Two hundred and eighty five Acres,* Sam. Horne; *Five hundred and thirty two Acres, for my Daughter* Eva Weyman, Mary Weyman; *Seventy five Acres,* Will. Sharman.

Taxable Lands:

Three hundred and forty Acres, Wm. Newland; *Five hundred and ſix Acres,* C. Bertie; *Two hundred and fifty Acres,* Alexr. Wilſon; *One hundred and twenty Acres,* Sam. Horne; *Four hundred and twenty two Acres,* William Perry; *Two hundred and ſeventy Acres, for* Jacob Preſton *Eſquire,* Sam. Horne; *One hundred and ſix Acres,* White Kennett; *Five hundred Acres,* William Fortrey; *Nine hundred ſeventy two Acres three Roods,* James Fortrey; *Sixty three Acres,* Charles Bletſo; *Three hundred forty ſix Acres,* Fr. Whichcote; *Two hundred and ſixty one Acres,* John Hurn; *Three hundred and forty ſix Acres,* John Blackwell; *Sixty Acres, for my Mother* Alice Figg, Will. Sharman; *Forty five and half Acres,* J. Hepburn; *Forty Acres,* Eſther Gates; *For a Third Part of Two hundred and fifty eight Acres, with Two Decoys,* Robt. Beavor; *Thirty Acres,* T. Norton; *One hundred and ſix Acres,* J. Raymond.

Sealed and delivered by his Grace the Duke of Rutland *(being firſt duly ſtamped) in the Preſence of* Robt. Sherrard, Hum. Smith. *Sealed and delivered by* Charles Bertie, Weyman Lee, William Newland, Alexander Wilſon, Samuel Horne, *and* William Perry, *and by* Charles Bletſo *for himſelf and Mr.* Digby, William Sharman *for himſelf, and* Will. Sharman *for* Alice Figg, J. Hepburn, Eſther Gates, Robt. Beavor, *and* T. Norton, *in the Preſence of* Geo. Thompſon. *Sealed and delivered by* William Fortrey *and* James Fortrey, *in the Preſence of* John Vann. *Sealed and delivered by* Sam. Horne, *for* Jacob Preſton, *by* White Kennett, *and by* Mary Weyman, *in the Preſence of* Geo. Thompſon. *Sealed and delivered by Sir.* Fra. Whichcote *Baronet, in the Preſence of* Richard Brown. *Sealed and delivered by* John Hurn, *in the Preſence of* William Blades. *Sealed and delivered by* John Blackwell, *in the Preſence of* Geo. Thompſon. *Sealed and delivered by* Jones Raymond *Eſquire, in the Preſence of* Geo. Thompſon:

May it therefore please your moſt Excellent Majeſty, at the humble Requeſt of ſuch of the ſaid Owners and Proprietors of the ſaid Taxable Lands and Free Lands, who have executed the ſaid Agreement, as well on Behalf of themſelves as of the reſt of the Owners and Proprietors of the Taxable Lands and Free Lands who have not executed the ſaid Agreement, or who by reaſon of their Incapacity or other Diſabilities in Law could not join therein, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Agreement, and every Clauſe, Article, Matter, and Thing therein contained, ſhall from the Day of the Date thereof ſtand and be and ſhall be held firm, valid, and effectual in the Law, and be binding upon all and every the Owners and Proprietors, as well of the ſaid Taxable Lands as of the ſaid Free Lands, who have or have not executed the ſame; or who by reaſon of their Incapacity or Diſabilities in Law cannot join therein; and that according to the Tenor and true Intent and Meaning thereof, and of the ſaid ſeveral Parties thereunto, and the ſaid Agreement, as it is herein before ſet forth, ſhall by Force and Virtue of this Act be of the ſame Validity, Force, and Effect, as if the ſame had been inrolled in any of His Majeſty's Courts of Record at Weſtminſter, purſuant to the Statute made for inrolling of Deeds.

The ſaid Agreement valid in Law.

II. And for the better carrying the ſaid Agreement into Execution, be it further enacted by the Authority aforeſaid, That in caſe the ſaid Acre Rate of Twenty Shillings per Acre ſo agreed to be raiſed and paid by the ſaid Owners and Proprietors of the ſaid Free Lands as aforeſaid, ſhall not be duly raiſed and paid in ſuch Manner, and by ſuch Portions, and at ſuch reſpective Times, as by the ſaid Agreement the ſame are expreſſed to be paid, as well by the ſaid Owners and Proprietors of the ſaid Free Lands who have not executed the ſaid Agreement, or who by reaſon of their Incapacity or other Diſabilities in Law cannot join therein, as by ſuch of the Owners and Proprietors of the ſaid Free Lands who have executed the ſaid Agreement; it ſhall and may be lawful to and for any Three or more of the Taxable Land Owners ſo qualified as aforeſaid, and they are hereby impowered from time to time as Occaſion ſhall require, by Warrant under their Hands and Seals to be directed to the Conſtable or Conſtables of the Pariſh, Townſhip, Village, Hamlet, or Place for the time being, within which the Lands of the Defaulters (being ſuch Free Lands as aforeſaid) ſhall be lying and being, or to ſuch other Perſon or Perſons as to them ſhall ſeem meet, to levy and raiſe the Share and Proportion of ſuch Perſon and Perſons ſo making Default, by Diſtreſs to be made on ſuch Stock, or other the Goods, Chattels, and Effects of every ſuch Defaulter, as ſhall at any time or times be found upon the Lands of every ſuch Defaulter (being ſuch Free Lands as aforeſaid only) or any Part thereof, and to impound and keep the ſaid Diſtreſs by the Space of Four Days only, at the Charge of the Owner or Owners of ſuch Stock, Goods, Chattels, and Effects, and for which no Replevin ſhall be granted or allowed; and if the Owner or Owners of the ſaid Stock, or other the Goods, Chattels, or Effects, or his, her, or their Guardian or Guardians, Truſtee or Truſtees ſhall not within the ſaid Time of Four Days pay ſuch his, her, or their Share and Proportion of the ſaid Acre Tax, then become due and payable

The Acre Rate to be levied on Defaulters by Diſtreſs and Sale.

payable for such his, her, or their respective Parts or Shares of the said Free Lands, then to sell and dispose of the said Stock, or other the Goods, Chattels, and Effects so distrained, or so much thereof as shall be sufficient to satisfy and pay what shall be then due from such Defaulter or Defaulters for such his, her, or their Share and Proportion of the said Acre Tax, and all reasonable Charges which shall be occasioned by the taking and keeping of the said Distress, and in and about the selling and disposing thereof, rendering the Overplus (if any) to the respective Owner and Owners of such the Stock, or other the Goods, Chattels, or Effects so distrained as aforesaid, his, her, or their Guardian or Guardians, Trustee or Trustees; and the Monies, which shall be raised by such Sale and Disposition as aforesaid, shall be forthwith paid to the Treasurer or his Deputy for the time being of the said Tarable Lands, for the Uses and Purposes mentioned in the said Agreement, and not otherwise; and if the Party or Parties to whom such Surplus Money shall belong, his, her, or their Guardian or Guardians, Trustee or Trustees, cannot be readily found to receive, or shall refuse to receive the same upon Tender thereof; then such Surplus Monies shall be paid over to the Treasurer, or his Deputy for the time being, of the said Tarable Lands, and be taken and allowed as Part of the next Payment to be made by every such Defaulter or Defaulters, pursuant to the said Agreement; and in case the said Party or Parties, who shall make such Distress and Sale of such Stock, Goods, Chattels, and Effects, as aforesaid, shall not pay the Monies which shall be raised thereby, and such the said Surplus Monies as aforesaid; then it shall and may be lawful to and for any Two of his Majesty's Justices of the Peace for that Division, within which the Lands of such Defaulter or Defaulters shall be, and the said Justices of the Peace are hereby authorized and required, to call or cause to be brought before them the Party or Parties so neglecting or refusing to pay as aforesaid, and to make Enquiry into such Neglect or Refusal, as well by Confession of the Party or Parties so refusing, as by the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths the said Justices of the Peace are hereby impowered to administer) and if the said Party or Parties so neglecting or refusing shall be convicted of such Neglect or Refusal before such the said Justices of the Peace as aforesaid, that then the said Justices of the Peace shall upon such Conviction commit the Person or Persons so neglecting or refusing to the County Gaol, there to remain without Bail or Mainprize, until he or they shall make a true and perfect Account of the Monies so by him or them levied and received as aforesaid, and shall have paid the same to the Treasurer or his Deputy for the time being of the said Tarable Lands as aforesaid, for the Uses and Purposes mentioned in the said Agreement. And in case no such Distress can be found upon the said Lands by the Space of Thirty Days next after the Share and Portion of such Defaulter or Defaulters shall become due and be unpaid, that then it shall and may be lawful to and for any Three or more of the said Tarable Land Owners so qualified as aforesaid, and they are hereby impowered, to sell and convey all the Lands of every such Defaulter or Defaulters (being such Free Lands as aforesaid) or so much thereof as shall be sufficient to raise and pay what shall be then due and unpaid for the Share and Portion of the said Acre Tax of and from every such Defaulter or Defaulters, to such Person or Persons as shall become Purchaser or Purchasers thereof, for such Estate or Estates as the said Defaulter or Defaulters then had therein, subject nevertheless to the Conditions and Forfeitures contained and expressed in the said herein before recited Acts or either of them; and all and every such Conveyance or Conveyances shall be esteemed good and available in Law and Equity to all Intents and Purposes against all and every such Defaulter and Defaulters, his, her, or their several and respective Heirs, Executors, Administrators, and Assigns, so as the same be entred with the Register of the said Adventurers, in such Manner as by the said herein before last recited Act is directed touching the said Tarable Lands; and the Monies which shall be so raised by such Sales, shall be paid to the said Treasurer, or his Deputy for the time being, of the said Tarable Lands, for the Uses and Purposes mentioned in the said Agreement, at the respective Times of the making and executing of the said Conveyances.

The Produce of such Sale how to be applied.

Penalty on Distrainers not paying the same.

For want of Distress, Defaulters Lands to be sold.

III. And be it further enacted by the Authority aforesaid, That in case the said Acre Rate of Twenty Shillings per Acre so agreed to be raised and paid by the said Owners and Proprietors of the Tarable Lands as aforesaid, shall not be duly raised and paid in such Manner, and by such Portions, and at such the respective Times, as by the said Agreement the same are expressed to be paid, as well by the said Owners and Proprietors of the said Tarable Lands, who have not executed the said Agreement, as by such of them who have executed the same; it shall and may be lawful to and for any Three or more of the Free Land Owners qualified in like Manner as the said Tarable Land Owners are required to be, and they are hereby impowered from time to time as Occasion shall require, by Warrant under their Hands and Seals to be directed to the Constable or Constables of the Parish, Township, Village, Hamlet, or Place for the time being, within which the Lands of the Defaulters (being such the Tarable Lands as aforesaid) shall be lying and being, or to such other Person or Persons as to them shall seem meet, to levy and raise the Share and Portion of such Person and Persons so making Default, in like Manner and by the like Ways and Means as is herein before directed to be done with respect to the Defaulters of the said Free Lands respectively, and under and subject to the like Directions with respect to the Payment of the Monies so to be levied and raised, and Disposition of the Overplus thereof, and to such Account to be made for the same respectively, and Punishment for Neglect or Refusal so to do; and to make such Sales and Conveyances of the Lands of the said Defaulters as and in such Manner and in such Cases as is herein before directed with respect to the like Defaulters of the said Free Lands, as fully and amply to all Intents and Purposes in every respect whatsoever as may be done for and in respect of all and every the Defaulter or Defaulters of the said Free Lands in the like Cases, subject nevertheless to the Conditions and Forfeitures contained and expressed in the said herein before recited Acts or either of them; and all and every such Conveyance or Conveyances so to be made of any of the said Lands, shall be of the same Force and Effect as the Conveyances herein before directed to be made of the Free Lands in the like Cases

Direction for the Recovery of the Acre Rate.

are directed to be, so as the same be registred according to the Directions in the said last recited Act in that Behalf; and the Monies which shall be raised thereby shall be paid to the said Treasurer, or his Deputy for the time being, of the said Tarable Lands, for the Uses and Purposes mentioned in the said Agreement, at the respective Times of the making and executing such Conveyances.

How to be paid in Cases of Incapacity.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any the Owner or Owners of the said Free Lands, or of any Part thereof, who are not or shall not be able to raise and pay the said Acre Tax in such Manner, and at such Times, and by such Portions, as the same is by the said Agreement to be raised and paid, being Tenant or Tenants in Dower, or for Life or Lives, or for the Guardian or Guardians, Trustee or Trustees of any such, or of any others who by reason of their Incapacity or other Disabilities in Law cannot raise the said Acre Tax, from time to time as Occasion shall require, to raise the same by Sale or Mortgage of such the Portion or Portions of every such Owner or Owners of the said Free Lands as aforesaid, or of so much thereof as shall be sufficient for such the Purposes aforesaid; and in case any Person or Persons shall be minded to advance and lay down the Part and Share of the said Tax of or for any such Owner or Owners of the said Free Lands as aforesaid, that then and in every such Case, it shall and may be lawful to and for every such Person or Persons so advancing and laying down the same, to enter into and upon such the Part and Share of every such Owner or Owners of the said Free Lands, and to take and receive the Rents, Issues, and Profits thereof, until he or they shall be fully satisfied, and reimbursed the same with legal Interest.

The Power of the Commissioners of Sewers *Com' Lincoln.* not hereby lessened.

V. Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend in any wise to abridge, lessen, or diminish any the Powers or Authorities, which the Commissioners of Sewers for the County of Lincoln for the time being now have, or at any Time hereafter shall or may have, or can or may use and exercise within or about the said Fens, or in or over the Rivers of Welland, Westlode, and Glenn, or any of them, pursuant to and by Force and Virtue of the said recited Acts or either of them; save and in respect of the Powers to them given in and by the said first recited Act to enter into and upon, and to receive the Rents and Profits of, the said Ten thousand and thirty six Acres, and Five thousand Acres of the said Lands, or to sell or dispose of the same, in such Case as in and by the said Act is directed, and herein before mentioned, which Power is hereby suspended for the Space of Five Years only, to be reckoned from the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and thirty eight, and then and not before the Powers given to the said Commissioners of Sewers in that Behalf by the said first recited Act shall stand revived, and be in full Force; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Exception.

The said Lands exempted from other Payments.

VI. And it is hereby declared and enacted, That the said Free and Tarable Lands shall for the Space of Seven Years from the Commencement of this Act be exempted from the Payment of all and every such Sum and Sums of Money which have at any Time or Times heretofore been raised by the said Commissioners of Sewers for repairing or preserving any the Banks or Works within the said Fens, and which have been laid out or expended in and about the same, and hath or have not yet been repaid, and also shall be exempted of and from all former and other Penalties and Forfeitures incurred thereon from thenceforth for ever thereafter.

Owners not discharged from Arrears.

VII. Provided also, and be it further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend or be construed to extend to exempt or discharge any of the Owners or Proprietors of the said Tarable Lands, who have not paid their Tax already laid and imposed thereon at any of their publick Meeting or Meetings, and with which they are now charged or chargeable, from Payment of the Arrears, and the Penalties incurred thereon; but that the same shall and may be raised, levied, and received in such Manner, and by such Ways and Means, as the same may be done by Force and Virtue of the said before recited Acts or either of them; and that the Charges and Expences in and about the obtaining this Act, and all other Charges previous and relating thereto, shall be paid and satisfied thereout in the first Place; and if the said Arrears and Penalties shall not be sufficient for that Purpose, then such Deficiency shall be made good by and out of the first Payment of the said Acre Rate which shall be raised according to the said Agreement; any thing in the said Agreement or in this Act contained to the contrary thereof in any wise notwithstanding.

VIII. And whereas Three hundred and sixty six Acres of the said Free Lands, and which are Part and Parcel of certain Lands called *Bourne* and *Thurlby Fen Pastures*, and of which Sir *John Heathcote* Baronet is the Owner and Proprietor, have been embanked and are kept drained at the sole Charge and Expence of the said Sir *John Heathcote*, and therefore do not require the same Assistance to drain and keep the same drained and preserved as the rest of the said Free Lands do; be it therefore enacted by the Authority aforesaid, That this Act, or any thing herein contained, shall not extend or be construed to extend to subject or make liable the said Sir John Heathcote, his Heirs, or Assigns, to any Tax, Charge, or Duty whatsoever, for or on account of the said Lands, or to subject or make liable the said Three hundred and sixty six Acres of Free Land, or any Part thereof, or any Part or Parcel of the said Lands called Bourne and Thurlby Fen Pastures, whereby they or any Part or Parcel of them may become charged or chargeable to or with any Share, Part, or Proportion of the said Acre Tax so to be raised by force or virtue of this Act, or by virtue of any of the Clauses or Powers herein contained; but that all the said Three hundred and sixty six Acres of Free Lands, and also all the Lands called Bourne and Thurlby Fen Pastures aforesaid shall be wholly exempted therefrom; and the said Sir John Heathcote, his Heirs, and Assigns, shall and may be at Liberty to drain and keep drained all the said Lands, in the same Manner, and by the same Methods, Ways, and Means, as the said Lands now are or can or may be drained or kept drained for ever hereafter; any thing herein contained to the contrary thereof notwithstanding.

Lands exempted from the Acre Tax.

IX. And

IX. And whereas the Time appointed by the ſaid laſt recited Act for the Meeting of the ſaid Adventurers, Owners, and Proprietors of the ſaid Taxable Lands, hath been found very inconvenient in many Reſpects, and will be much more ſo now with regard to the proceeding upon and carrying on the ſaid Works of draining, purſuant to the Agreement herein before ſet forth, unleſs the ſaid Adventurers, Owners, and Proprietors of the ſaid Taxable Lands ſhall be at Liberty to hold more frequent Meetings in the Year, and which will be abſolutely neceſſary for the Directions of the ſaid Works of draining and other Purpoſes conducive thereto; **be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Adventurers, Owners, and Proprietors of the ſaid Taxable Lands to hold any other publick Meetings at** Spalding **in the ſaid County of** Lincoln, **on the** Thurſday **next after** Midſummer Day **and** Michaelmas Day **yearly for ever hereafter, for ſuch the Purpoſes aforeſaid, and for ſuch other Purpoſes as to them ſhall ſeem meet; ſo as that the ſame ſhall not extend to alter the Times of taxing and ſelling any of the ſaid Taxable Lands which ſhall from time to time become forfeited and may be ſold purſuant to the Powers given by the ſaid recited Acts, or this preſent Act, or any of them.** Meetings of the Proprietors.

X. And foraſmuch alſo as the ſaid Owners and Proprietors of the ſaid Taxable Lands have ſince the making and executing the ſaid Agreement found it abſolutely neceſſary, that the Twenty Shillings an Acre to be raiſed on the forfeited Lands ſhould be raiſed and paid in like Manner, and by the like Ways and Means, as the Twenty Shillings an Acre is thereby agreed to be raiſed upon and paid for the ſaid Free Lands and the reſt of the ſaid Taxable Lands, notwithſtanding the Proviſion made by the ſaid Agreement to the contrary: And for that alſo the ſaid Free Land Owners, who have executed the ſaid Agreement, do require that a proportionable Diſtribution ſhall be made among ſuch of them who ſhall raiſe and pay their Proportion of the ſaid Acre Tax, and ſuch others who ſhall advance the ſame for any of the reſt of the ſaid Free Land Owners, as well as among ſuch of the ſaid Taxable Land Owners who ſhall raiſe and pay their Proportion of the ſaid Acre Tax; of all ſuch Monies as ſhall be raiſed by Sale of the ſaid forfeited Lands, over and above the Proportion of the ſaid Acre Tax to be raiſed thereon, if any ſuch Overplus there ſhall be; **be it therefore enacted by the Authority aforeſaid, That the ſaid Twenty Shillings an Acre ſhall be raiſed upon and paid for the ſaid forfeited Lands in the like Manner, and by the like Ways and Means, as the ſaid Twenty Shillings an Acre is by the ſaid Agreement to be raiſed upon and paid for the ſaid Free Lands and the reſt of the ſaid Taxable Lands; and that the Surplus Monies which ſhall ariſe by Sale of the ſaid forfeited Lands (if any ſuch there ſhall be) ſhall be diſtributed according to the ſaid Agreement; any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.** The Tax on forfeited Lands to be raiſed by the like Means as upon the other Lands.

XI. **Provided nevertheleſs, That in caſe the ſaid Twenty Shillings an Acre to be raiſed on all the ſaid Free and Taxable Lands ſhall not or cannot be duly raiſed and paid conformable to the ſaid Agreement, then and in that Caſe the ſaid forfeited Lands ſhall be liable to make good the Deficiency, as far as the ſame will extend; and then, and not before, if there ſhall be any Surplus Money, the ſame ſhall be diſtributed, as aforeſaid.** Forfeited Lands to make good Deficiencies.

XII. **Provided always, and it is hereby further enacted by the Authority aforeſaid, That this Act, or any thing herein contained, ſhall not prejudice or hinder the Earl of** Exeter, **his Heirs, or Aſſigns, from taking or running Water out of the River** Glenn **into his Two Decoys in the Precincts of** Bourne, **and in** Bourne Fen Paſtures, **or either of them, and into his Lands and Grounds there, in ſuch Manner, and by ſuch Ways and Means, as he the ſaid Earl and his Predeceſſors have uſed and enjoyed, or as the ſaid Earl, his Heirs, and Aſſigns, can or may lawfully uſe and enjoy the ſame; any thing herein before contained to the contrary notwithſtanding.** This Act not to prejudice the Earl of *Exeter*.

XIII. **And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for any thing done or to be done in purſuance of this Act, and in the Execution of any the Powers and Authorities hereby given, every ſuch Action or Suit ſhall be commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of** Lincoln, **and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, Not guilty, and give this Act and the ſpecial Matter in Evidence, without ſpecially pleading the ſame, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of the ſaid Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuit, or forbear Proſecution, or diſcontinue his, her, or their Suit, or if a Verdict ſhall paſs, or Judgement be given, againſt him, her, or them upon a Demurrer or otherwiſe; then and in any of the ſaid Caſes the Defendant or Defendants ſhall and may recover Treble Coſts, for which he, ſhe, or they ſhall have like Remedy, as where Coſts by Law are awarded.** Limitation of Actions. General Iſſue. Treble Coſts.

XIV. **And be it further enacted, That this Act ſhall be deemed, taken, and allowed to be a publick Act; and all Judges, Juſtices, and other Perſons are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.** Publick Act.

Anno duodecimo GEORGII II. Regis.

At the Parliament begun and holden at *Weſtminſter*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* And from thence continued by ſeveral Prorogations to the Firſt Day of *February*, 1738, being the Fifth Seſſion of this preſent Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thouſand ſeven hundred and thirty nine.

CAP. II.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

CAP. III.

An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and thirty nine.

At 2s. *in the Pound.*

CAP. IV.

An Act to enable the Inhabitants of the Pariſh of Saint *Nicholas* in the City of *Worceſter*, to raiſe Money for diſcharging the Debts they have contracted in rebuilding their Pariſh Church.

Preamble.

WHEREAS the Inhabitants of the Pariſh of Saint *Nicholas* in the City of *Worceſter* have borrowed and taken up at Intereſt ſeveral Sums of Money, to compleat and finiſh their Pariſh Church (which hath been lately rebuilt) amounting in the whole to the Sum of One thouſand two hundred Pounds (the whole Expence of the ſaid Building amounting to the Sum of Three thouſand three hundred and forty five Pounds, and upwards) Eight hundred Pounds Part of the ſaid One thouſand two hundred Pounds being borrowed at common Intereſt; and Four hundred Pounds, the Reſidue thereof, being advanced by *Dorothy Bagley* of the City of *Worceſter*, Spinſter, and paid to the ſaid Pariſhioners, in Conſideration of an Annuity of Forty Pounds a Year for her Life: But the ſaid *Dorothy Bagley* hath lately agreed with the ſaid Pariſhioners to reduce the ſaid Annuity, and to accept of an Annuity of Thirty two Pounds a Year, during her Life, for the ſaid Four hundred Pounds; which the ſaid Pariſhioners, by their Pariſh Order, have agreed to pay: And the principal Inhabitants of the ſaid Pariſh being deſirous that the ſaid Sum of Eight hundred Pounds, and the Intereſt due thereupon, and alſo the ſaid Annuity of Thirty two Pounds to the ſaid *Dorothy Bagley*, and the Arrears thereof, ſhould be ſatisfied and paid, *&c.*

CAP. V.

An Act to continue the Duties for Encouragement of the Coinage of Money.

Preamble, reciting the former Acts for the Encouragement of Coinage, 18 *Car.* II. *c.* 5.

MAY it pleaſe Your moſt Excellent Majeſty: Whereas great Benefit and Advantage did accrue to *England* by one Act of Parliament paſſed in the Eighteenth Year of the Reign of his Majeſty King *Charles* the Second, intituled, *An Act for encouraging of Coinage*, and continued by another Act made in the Twenty fifth Year of the Reign of his ſaid Majeſty King *Charles*, intituled, *An Act for continuing a former Act concerning Coinage*, both which ſaid Acts were revived by an Act made in the Firſt Year of the Reign of his Majeſty King *James* the Second, and were continued by an Act made in the Fourth Year of the Reign of King *William* and Queen *Mary* of Glorious Memory, and were further continued by an Act made in the Twelfth Year of the Reign of the ſaid late King *William*, and were further continued by an Act made in the Seventh Year of the Reign of her late Majeſty Queen *Anne* of Bleſſed Memory, and then extended to *Scotland*, and were further continued by an Act made in the Firſt Year of the Reign of his late Majeſty King *George* the Firſt of Glorious Memory, to be in Force for Seven Years, from the Firſt Day of *March*, One thouſand ſeven hundred and fifteen, and until the End of the Firſt Seſſion of Parliament then next following; and were further continued by another Act made in the Ninth Year of his ſaid late Majeſty's Reign for Seven Years, from the Firſt Day of *March*, One thouſand ſeven hundred and twenty three, and until the End of the Firſt Seſſion of Parliament then next following; and were further continued by another Act made in the Fourth Year of the Reign of His preſent Majeſty, for Seven Years, from the Firſt Day of *March*, One thouſand ſeven hundred and thirty, and until the End of the Firſt Seſſion of Parliament then next following; ſo that unleſs the ſaid Act be continued, the Encouragement given thereby will ceaſe, and this Kingdom be deprived for the future of ſo great a Good as it hath for many Years laſt paſt enjoyed; now we Your Majeſty's moſt dutiful and loyal Subjects the Commons of Great Britain in Parliament aſſembled, do give and grant unto Your Majeſty the Rates, Duties, and Impoſitions herein after mentioned, for and during the Term and Time herein after expreſſed, and do humbly pray that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſuch and the like Rates, Duties, and Impoſitions, as by the ſaid Act of the Eighteenth Year of King Charles the Second were granted, and by the ſaid ſubſequent Acts were continued, for and upon the Importation of Wines, Vinegar, Cyder, and Beer, during the reſpective Terms and Times therein mentioned, ſhall be further continued, and be paid and payable to His Majeſty, His Heirs, and Succeſſors, for and upon all Wines, Vinegar, Cyder, and Beer, which ſhall be imported or brought into Great Britain within or during the Space of Seven Years

Coinage Duties continued for 7 Years.

Years to commence from the First Day of March, One thousand seven hundred and thirty eight, and until the End of the First Session of Parliament then next following, and no longer; and that all the said former Acts, and all other Acts of Parliament concerning Coinage, and every of them, and every Clause, Article, and Sentence in them or any of them contained, now being in Force, shall be and are by virtue of this Act continued, and shall be in Force, and be duly put in Execution for and during all such Time and Term as are before mentioned, as fully and effectually as if the same were particularly repeated and re-enacted in the Body of this present Act; any former Law, Statute, Provision, Matter, or Thing whatsoever, to the contrary notwithstanding.

II. And to the End the Importers of Gold and Silver into the Mints of England and Scotland respectively may not be discouraged by any Deficiency of the Revenue by this Act settled for defraying the Coinage thereof; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Commissioners of the Treasury, or any Three or more of them now being, or the Lord High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, and they are hereby impowered and directed, out of the Monies arising by this Act, or out of any other publick Supplies granted or to be granted by Parliament, to cause so much Money to be applied as shall be necessary for defraying the Expences of the said Mints of England and Scotland respectively, by way of Imprest, and upon Account for that Service; so as the same, together with the Coinage Duties arising by this Act, do not exceed in any one Year the Sum of Fifteen thousand Pounds; and so as the said Monies be issued out of the Exchequer of Great Britain to the Master of the Mint in England, and the Master of the Mint in Scotland respectively, for the said Purposes.

Treasury to issue out Monies for defraying the Expences of the Mints,

not exceeding 15000*l. per Annum.*

CAP. VI.

An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments, within the Time limited by Law, and for allowing further Time for that Purpose.

WHEREAS divers Persons, who on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or the Assurance respectively appointed to be taken by such Persons, in and by an Act made in the First Year of the Reign of His late Majesty King *George* the First, of Glorious Memory, intituled, *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors*; or to have qualified themselves according to an Act made in the Thirteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the well governing and regulating Corporations*; or to have qualified themselves according to another Act, made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers which may happen from Popish Recusants*; by receiving the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, and making and subscribing the Declaration against Transubstantiation therein mentioned, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the said Oaths or Assurance, or otherwise to qualify themselves as aforesaid, within such Time, and in such Manner, as in and by the said Acts respectively, or by any other Act of Parliament in that Behalf made and provided, is required; whereby they may be in Danger of incurring divers Penalties and Disabilities, *&c.* Preamble.

CAP. VII.

An Act to enable the Parishioners of the Parish of *Ealing*, in the County of *Middlesex*, to raise Money by Rates upon themselves for finishing the Church of the said Parish.

WHEREAS the Parish Church of *Ealing*, in the County of *Middlesex*, becoming ruinous and irreparable, the Parishioners (who are very numerous) were obliged to assemble for divine Service in a slight Timber Tabernacle, built by voluntary Contributions, which is also now become ruinous, and not capable of containing all the Inhabitants of the said Parish; and that soon after the said Tabernacle was erected, the Steeple and Roof of the said Parish Church fell down, and in order to rebuild the said Church and Steeple, and to make the said Church commodious, a Brief was obtained, whereby, and by Subscriptions, the Sum of One thousand five hundred Pounds, or thereabouts, was raised, and the same hath been duly laid out and applied in erecting a Shell of the said Church, and rebuilding the said Steeple: And whereas the Parishioners of the said Parish are unable to discharge a Debt remaining due to such Workmen as were employed in rebuilding the said Church and Steeple, and to defray the Expence of erecting and making convenient Pews, and also to finish and compleat the Inside of the said Church with necessary and decent Ornaments, and to cast the old, or provide new Bells, without the Aid and Assistance of an Act of Parliament, *&c.* Preamble.

CAP. VIII.

An Act for repairing the Road between *Stamford* and *Grantham*, in the County of *Lincoln*.

WHEREAS the Road between the Town of *Stamford* in the County of *Lincoln*, and the Town of *Grantham* in the same County (Part whereof lies in the County of *Rutland*, and the said Road is the ancient and great Northern Road, and the common Post Road to and from *London*, to the Northern Parts of this Kingdom, being in Length above Sixteen Miles) by reason of many heavy Carriages passing through the same, is become so very ruinous and bad, that Horsemen, Coaches, Waggons, and other Carriages, cannot pass, especially in the Winter Season, without Danger: And whereas the ordinary Provision made by the Laws and Statutes of this Realm, now in Force, are not sufficient for the effectual repairing and amending the Road aforesaid; neither are the Inhabitants of the several Parishes and Townships, through which the said Road passes, of Ability to mend the same, in regard that Stones, Gravel, and other Materials, lie either very deep, or at a great Distance from the said Road, *&c.* Preamble.

Certain Tolls are granted from 24 June 1739, *for* 21 *Years.*

CAP. IX.

An Act for applying a Sum of Money, given by the Will of *Daniel Wiſeman* Eſquire, deceaſed, for finiſhing the new Church at *Woolwich* in the County of *Kent*; and for raiſing an Annuity by an Aſſeſſment on the Pariſh of *Woolwich*, during the Lives of *Mary Wiſeman* and *Elizabeth Crouch*, and the Life of the Survivor of them, purſuant to the ſaid Will.

Preamble, reciting the Act 5 *Geo.* II. *c.* 4.

WHEREAS by an Act of Parliament made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for rebuilding the Pariſh Church of* Woolwich *in the County of* Kent, *as one of the Fifty new Churches, directed to be built by two Acts of Parliament, one made in the Ninth, and the other in the Tenth Year of the Reign of Her late Majeſty Queen* Anne, it was enacted, That the ſaid Church ſhould be rebuilt as one of the Fifty new Churches directed to be built by the ſaid two Acts of Parliament: And the Commiſſioners for building the ſaid Fifty new Churches were thereby impowered and required to pay, or duly cauſe to be paid, out of the Fund appropriated for building or endowing the ſaid Fifty new Churches, the Sum of Three thouſand Pounds, on or before the Twenty fourth Day of *June*, One thouſand ſeven hundred and thirty two, into the Hands of their Treaſurer, to be diſpoſed of and applied as is therein after directed (that is to ſay) The ſaid Treaſurer ſhould after the ſaid Twenty Fourth Day of *June*, pay, or cauſe to be paid, at any time or times, ſuch Sum and Sums of Money, not exceeding in the whole, the Sum of Three thouſand Pounds, according to the Order and Direction of the Right Honourable the Lord *Vere Beauclerk*, Brother to his Grace the Duke of Saint *Albans*, the Right Honourable *John* Lord *Percival*, of the Kingdom of *Ireland*, the Honourable *Robert Byng* Eſquire, Sir *Roger Meredith*, Sir *Robert Furneſe*, Sir *Robert Auſtin*, Sir *Gregory Page*, Sir *John Shaw*, Sir *Edward Bettenſon*, Sir *William Saunderſon*, Baronets; Sir *John Jennings*, Sir *Charles Wager*, Sir *George Saunders*, Sir *Jacob Acworth*, Knights; *David Papillon*, *David Polhill*, *Thomas Pearſe*, Eſquires; the Rector of *Woolwich* for the time being, the Dean of *Rocheſter*, the Archdeacon of *Rocheſter*, the Reverend Mr. *Philip Stubbs* Archdeacon of Saint *Albans*, *Chriſtopher Appleby*, *Joſeph Kirke*, *Richard Bowater*, *Peter Denham*, Eſquires; Doctor *James Sherard*, *John Chelly*, *John Hayward*, *Daniel Wiſeman*, *Thomas Rogers* junior, Eſquires; *James Felton*, *Samuel Remnant*, *Samuel Fletcher*, Gentlemen; and the Churchwardens of the ſaid Pariſh of *Woolwich* for the time being (who are thereby appointed Truſtees for rebuilding the ſaid Pariſh Church) ſignified to him the ſaid Treaſurer in Writing under their Hands, or under the Hands of any Five or more of them: And that they the ſaid Truſtees, or the Survivors of them, or any Five or more of them, ſhould lay out, manage, and apply the ſaid Sum of Three thouſand Pounds, or any Part thereof, to and for the rebuilding the ſaid Pariſh Church, and in doing ſuch other Works in and about the ſame, as they, or any Five or more of them, ſhould in their Diſcretions think proper and neceſſary; and lay an Account in Writing under their Hands, before the ſaid Commiſſioners, of the Money ſo diſpoſed of by them: And if any Part of the ſaid Three thouſand Pounds ſhould remain undiſpoſed of, after the building and finiſhing the ſaid Church, and doing other neceſſary Works about the ſame, and the whole Expences thereof fully cleared and diſcharged, ſuch Sum and Sums of Money ſo remaining undiſpoſed of, ſhould be applied in the ſame Manner, and to the ſame Uſes, as the other Monies ariſing from the ſaid Duty on Coals and Culm was or were applicable towards building or endowing the ſaid Fifty new Churches, or other Purpoſes: And it was thereby further enacted, That the Sum of Twelve hundred and thirty Pounds, in the Joint-ſtock of *South Sea* Annuities, in the Names of the ſaid Sir *Jacob Acworth*, and *Chriſtopher Appleby*, and all Dividends and Produce reſulting from and attending the ſame, and alſo the Sum of Fifty Pounds, nine Shillings, and eleven Pence in Money, which were reſpectively raiſed and collected by Means of ſeveral charitable Contributions and Donations therein mentioned, ſhould be paid and transferred to the Truſtees appointed by the ſaid Act for the time being, or to ſuch Perſon or Perſons, as they or any Five or more of them ſhould by Writing under their Hands direct or appoint; to the Intent the ſame might be applied and diſpoſed of in ſuch and the ſame Manner, as the ſaid Sum of Three thouſand Pounds, thereby appointed to be paid by the ſaid Commiſſioners for rebuilding the ſaid Church, as in and by the ſaid Act of Parliament, Relation being thereunto had, may more fully appear: And whereas the Sum of Three thouſand Pounds, granted by the ſaid Act, and the Money raiſed and collected by ſuch charitable Collections and Donations as aforeſaid, have been expended and applied in purſuance and for the Purpoſes of the ſaid Act of Parliament; and a ſubſtantial Church and Steeple have been built at *Woolwich* aforeſaid, and the ſaid Church covered in; but no farther Progreſs hath been made towards the finiſhing the ſaid Church, and making the ſame fit and convenient for the performing Divine Service therein: And whereas the ſaid *Daniel Wiſeman*, one of the Truſtees in the ſaid Act of Parliament named, made his laſt Will and Teſtament in Writing, bearing Date the Twenty ſixth Day of *November*, One thouſand ſeven hundred and thirty ſix, and thereby directed and deſired, that in Caſe at the Time of his Deceaſe the Pariſh Church lately built at *Woolwich* ſhould not be compleatly finiſhed, and fit for Divine Service, then his Wife *Mary Wiſeman*, whom he made ſole Executrix of his Will, in Conjunction with his Truſtees therein named, ſhould pay or advance to the Miniſter, Churchwardens, and principal Inhabitants of the Pariſh of *Woolwich*, ſuch Sum or Sums of Money, out of the Reſidue of his Perſonal Eſtate, as ſhould, by able, good, and honeſt Workmen, be found wanting and neceſſary, for finiſhing and compleating the Works of the ſaid new Church, and making the ſame proper and convenient for Divine Service, not exceeding in the whole the Sum of One thouſand Pounds Sterling, to be paid and advanced on the following Terms and Conditions; that is to ſay, The ſaid One thouſand Pounds (if finiſhing the Work ſhould require ſo much) to be paid to the ſaid Pariſhioners after the Deceaſe of his Wife *Mary Wiſeman*, and of her Mother *Elizabeth Crouch*, and not before, unleſs the Rector or Miniſter, Churchwardens, Overſeers of the Poor, and other the principal Inhabitants of the ſaid Pariſh of *Woolwich*, would ſign, execute, and give their Bond, obliging themſelves, their Heirs, and Succeſſors, to pay to the ſaid *Mary Wiſeman* and *Elizabeth Crouch*, and the Survivor of them, Intereſt at Five Pounds *per Centum per Annum*, for every One hundred Pounds that ſhould be ſo advanced and paid, and ſo in Proportion for any greater or leſſer Sum or Sums, by half-yearly Payments; the laſt Half-year's Intereſt in which the Survivor of them ſhould happen to die, to be paid to her Executors, Adminiſtrators, or Aſſigns, for or towards her Interment: And whereas an Eſtimate has been made by able and skilful Workmen of the Charges and Expences that will neceſſarily attend the finiſhing and compleating the ſaid new Church, and making it fit and convenient for the performing Divine Service therein; and ſuch Charges and Expences are calculated and computed at, and do amount to, the Sum of Nine hundred thirty eight Pounds, ſeventeen Shillings, and five Pence: And whereas the Pariſhioners of the Pariſh of *Woolwich*, who are very poor, and chiefly conſiſt of Artificers and Labourers employed in His Majeſty's Dock and Yards, are unable to raiſe the Money that will be required for finiſhing and compleating the ſaid Church, and ſo long as the ſame remains unfiniſhed, will be deſtitute of a Place of Publick Divine Worſhip: And whereas the

ſaid

ſaid *Mary Wiſeman* and *Elizabeth Crouch* are willing that the ſaid Sum of One thouſand Pounds ſo given and bequeathed by the Will of the ſaid *Daniel Wiſeman*, ſhould be immediately applied, purſuant and according to the pious Intention of the Donor, ſo as an Annuity equivalent to the Intereſt attending the ſame, may in Compliance with, and Performance of, the Condition annexed to the ſaid Donation, be effectually ſecured to them and the Survivor of them, according to the Tenor and Purport of the ſaid Will: But although the Inhabitants and Pariſhioners of the Pariſh of *Woolwich* are very deſirous to contribute to anſwer and pay the ſaid Annuity according to the Tenor and Purport of the ſaid Will, in order to promote and effect the pious Deſign aforementioned; yet as they are not enabled by the Laws now in Being, to enforce and compel the raiſing and paying ſuch Contribution for the Purpoſes aforeſaid, without the Aid and Authority of Parliament, *&c.*

CAP. X.

An Act for repairing the Roads from the North-weſt Parts of the County of *Lincoln*, through *Nettlam-fields*, *Wragby-lane*, and *Baumber-fields*, to the *Wolds*, or North-eaſt Part of the ſaid County.

WHEREAS the Roads leading from the City of *Lincoln*, and from the North-weſt Parts of the County of *Lincoln*, through *Nettlam-fields*, *Wragby-lane*, and *Baumber-fields*, unto the *Wolds*, or North-eaſt Parts of the ſaid County, by reaſon of the Deepneſs of the Soil thereof, are become ſo ruinous and founderous, that the ſame are not paſſable, without the greateſt Danger; by Means whereof the Communication and Trade of a very large Tract of the ſaid County is near loſt: And whereas the ordinary Proviſions made by the Laws and Statutes of this Realm now in Force, are not ſufficient to amend and repair the Road aforeſaid; neither are the Inhabitants of the ſeveral Pariſhes and Townſhips thereby of Ability effectually to amend the ſame, becauſe Stones, Gravel, and other Materials, lie at a great Diſtance from them, *&c.* Preamble.

Certain Tolls are granted from 24 *June* 1739, *for* 21 *Years.*

CAP. XI.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty, for repairing the Road from *Fyfield* in the County of *Berks*, to Saint *John's Bridge* in the County of *Glouceſter*; and for repairing the Roads from an Inn called *The Hind's Head* in the Pariſh of *Kingſton Bagpuze*, in the ſaid County of *Berks*, to that Part of *Newbridge* which ſtands in the ſaid County of *Berks*.

WHEREAS by an Act paſſed in the Sixth Year of the Reign of His preſent Majeſty, for repairing the Roads from *Fyfield* in the County of *Berks*, to Saint *John's Bridge* in the County of *Glouceſter*, ſeveral Tolls were granted and made payable for repairing the ſaid Roads; which ſaid Tolls were to take Place from the Firſt Day of *June*, One thouſand ſeven hundred and thirty three, and to have Continuance only for and during the Term of Twenty one Years: And whereas a conſiderable Sum of Money hath been borrowed on the Credit of the ſaid Act, and the ſame is ſtill due and unpaid; which ſaid Sum, together with the Tolls collected by virtue of the ſaid Act, the Truſtees thereby appointed have duly applied in amending the ſaid Roads, whereby ſome Progreſs hath been made in the Repairs thereof: And whereas the Road leading from an Inn called *The Hind's Head* in the Pariſh of *Kingſton Bagpuze* in the ſaid County of *Berks*, to that Part of *Newbridge* which ſtands in the ſame County (being Two Miles, or thereabouts, and adjoining to the Roads directed to be repaired by the ſaid recited Act) is, by reaſon of the many heavy Carriages frequently paſſing through the ſame, become very bad and ruinous; which laſt mentioned Road cannot by the ordinary Courſe of the Laws now in Being for repairing the Highways of this Kingdom be effectually repaired and kept amended, unleſs ſome other Proviſion be made for raiſing Money for that Purpoſe, *&c.* Preamble reciting the Act 6 *Geo.* II. *c.* 16.

The Tolls are farther continued for 21 *Years.*

CAP. XII.

An Act for repairing the Roads from *Bakewell* to *Cheſterfield* in the County of *Derby*, and from *Cheſterfield* to *Workſopp* in the County of *Nottingham*, and from *Cheſterfield* to the Place where the Northern Road meets the *Cheſterfield* Road, which leads to *Mansfield*, in the ſaid County of *Nottingham*.

WHEREAS the Roads leading from the Town of *Bakewell* to the Town of *Cheſterfield* in the County of *Derby*, and from the ſaid Town of *Cheſterfield*, to the Town of *Workſopp* in the County of *Nottingham*; and from the Town of *Cheſterfield* aforeſaid, to the Place where the Road, now leading from the ſaid Town of *Cheſterfield* to the Town of *Mansfield* in the County of *Nottingham*, falls into the great Road leading from the ſaid Town of *Mansfield* to the Towns of *Sheffield* and *Rotherham* in the County of *York*, are by reaſon of many heavy Carriages and Loads frequently paſſing through the ſame, become very deep, and ſome Parts of the ſaid Roads in the Winter Seaſon are ſo bad, that Waggons and Carriages cannot paſs, without great Danger: And whereas the ſaid Roads cannot, by the common Method appointed by the Laws now in Being, for repairing the Highways of this Kingdom, be effectually amended and kept in good repair, *&c.* Preamble.

Certain Tolls are granted from 1 June 1739, *for* 21 *Years.*

CAP. XIII.

An Act for continuing the Act made in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, to regulate the Price and Aſſize of Bread; and for continuing, explaining, and amending the Act made in the Second Year of the Reign of His preſent Majeſty, for the better Regulation of Attornies and Solicitors.

Preamble.

WHEREAS the Laws herein after mentioned (which have by Experience been found uſeful and beneficial) are near expiring; may it therefore pleaſe Your moſt excellent Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act made in the Eighth Year of the Reign of her late Majeſty Queen Anne, intituled, An Act to regulate the Aſſize of Bread, which was to be in Force for Three Years, and from thence to the End of the then next Seſſion of Parliament, together with the Alterations made relating thereto, by an Act made in the Firſt Year of the Reign of his late Majeſty King George, intituled, An Act for continuing ſeveral Laws therein mentioned relating to Coals, Hemp, and Flax, *Iriſh*, and *Scotch* Linen, and the Aſſize of Bread, and for giving Power to adjourn the Quarter-ſeſſions for the County of *Angleſea* for the Purpoſes therein mentioned; which ſaid Act and Alterations had further Continuance by ſeveral ſubſequent Acts, are near expiring, ſhall be and are hereby continued and in Force from the Expiration thereof to the Twenty fourth Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty eight, and from thence to the End of the then next Seſſions of Parliament.

Further Continuance of the Acts 8 *Annæ. cap.* 18. and the Alterations thereof by the Act, 1 *Geo.* I. *c.* 26.

22 G. 2. c. 46.

II. And whereas ſeveral Doubts and Difficulties have ariſen touching the Powers of the Magiſtrates of Burghs and Corporate Towns, and of the Powers of the Juſtices of the Peace in ſuch other Towns and Diviſions where no Magiſtrates are, in that Part of *Great Britain* called *Scotland*, touching the regulating the Price and Aſſize of Bread; be it therefore declared and enacted by the Authority aforeſaid, That the ſaid Act of the Eighth Year of the Reign of Her late Majeſty Queen Anne, together with the Alterations made in an Act of the Firſt Year of the Reign of his late Majeſty King George, relating to the ſaid Act of the Eighth Year of the Reign of her ſaid late Majeſty, does extend, and ſhall be with all the Powers, Proviſions, Clauſes, and Declarations extended, to that Part of Great Britain called Scotland.

extended to *Scotland*.

III. And be it further enacted by the Authority aforeſaid, That an Act made in the Second Year of the Reign of His preſent Majeſty, intituled, An Act for the better Regulation of Attornies and Solicitors, which was to continue in Force from the Firſt Day of June, One thouſand ſeven hundred and twenty nine, for the Space of Nine Years, and from thence to the End of the then next Seſſions of Parliament, and is near expiring, ſhall be and is hereby further continued from the Expiration thereof until the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and forty eight, and from thence to the End of the then next Seſſions of Parliament.

Act 2 *Geor.* II. *cap.* 23. further continued.

IV. And be it further enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of June, in the Year of our Lord One thouſand ſeven hundred and thirty nine, the not ſubſcribing or indorſing the Name of the Attorney's Clerk in Court, or Solicitor, on any Warrant that ſhall be made out upon any Writ, Proceſs, or Execution, ſhall not vitiate the ſame; but ſuch Writ, Proceſs, and Execution, and all Proceedings thereon, ſhall be as valid and effectual, notwithſtanding ſuch Omiſſion, as if the ſaid recited Act for regulating Attornies and Solicitors had not been made; provided the Writ whereon ſuch Warrant is made out be regularly ſubſcribed or indorſed according to the ſaid Act; and every Sheriff or Sheriffs, or other Officer, who ſhall make out any Warrant upon any Writ, Proceſs, or Execution, and ſhall not ſubſcribe or indorſe the Name of the Attorney, Clerk in Court, or Solicitor, who ſued out the ſame, ſhall forfeit the Sum of Five Pounds, to be aſſeſſed as a Fine upon ſuch Sheriff or Sheriffs or other Officer, by the Court out of which ſuch Writ, Proceſs, or Execution ſhall iſſue; one Moiety thereof to be paid to His Majeſty, his Heirs, and Succeſſors, and the other Moiety to the Perſon or Perſons aggrieved by ſuch Omiſſion.

The not indorſing the Attorney's Name on Warrants upon Writs, not to vitiate the ſame.

2 Barnes. 327.

Officers to Indorſe the Attornies Names upon Writs.

V. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, it ſhall and may be lawful to and for every Attorney, Clerk in Court, and Solicitor, to write his Bill of Fees, Charges, and Diſburſements, with ſuch Abbreviations as are now commonly uſed in the Engliſh Language; any thing in any former Law to the contrary notwithſtanding.

Attornies, &c. may uſe Abbreviations in their Bills.

VI. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, the ſaid Act of the Second Year of His preſent Majeſty, for the better Regulation of Attornies and Solicitors, or any Clauſe, Matter, or Thing therein contained, ſhall not extend to any Bill of Fees, Charges, and Diſburſements that are now, or ſhall hereafter become, due from any Attorney or Solicitor to any other Attorney or Solicitor, or Clerk in Court; but that every ſuch Attorney, Solicitor, or Clerk in Court, may uſe ſuch Remedies for the Recovery of his Fees, Charges, and Diſburſements againſt ſuch other Attorney or Solicitor, as he might have done before the making of the ſaid Act.

Act 2 *Geo.* II. not to extend to any Bill of Fees between one Solicitor and another.

VII. And be it further enacted, That in caſe any Perſon ſhall, from and after the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, commence or defend any Action, or ſue out any Writ, Proceſs, or Summons, or carry on any Proceedings in the Court commonly called The County Court, holden in any County in that Part of Great Britain called England, who is not or ſhall not then be legally admitted an Attorney or Solicitor, according to the ſaid Act made in the ſaid Second Year of the Reign of His preſent Majeſty, that ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds, to be recovered with Coſts by any other Perſon who ſhall ſue for the ſame, within Twelve Months next after ſuch Offence ſhall be committed, in any of His Majeſty's Courts of Record.

Penalty on Perſons unqualified acting in County Courts.

VIII. And be it enacted by the Authority aforeſaid, That any Perſon being one of the People called Quakers who may have ſerved, or ſhall hereafter ſerve, a Clerkſhip with an Attorney or Solicitor, and ſhall be qualified as by the ſaid Act before is required, ſhall, upon taking his ſolemn Affirmation inſtead of the Oaths thereby directed to be taken, before ſuch Judges and others who are hereby authorized and required to adminiſter the ſaid Affirmation, be admitted and inrolled as an Attorney or Solicitor, as if he had taken the ſaid Oaths; any thing in the ſaid Act to the contrary notwithſtanding.

Quakers to be inrolled upon their Affirmation.

IX. And

IX. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty nine, no Attorney or Solicitor who shall be a Prisoner in any Gaol or Prison, or within the Limits, Rules, or Liberties of any Gaol or Prison, shall, during his Confinement in any Gaol or Prison, or within the Limits, Rules, or Liberties of any Gaol or Prison, in his own Name, or in the Name of any other Attorney or Solicitor, sue out any Writ or Process, or commence or prosecute any Action or Suit in any Courts of Law or Equity; and that all Proceedings in such Actions or Suits shall be void and of none Effect; and such Attorney or Solicitor so commencing or prosecuting any Action or Suit as aforesaid, shall be struck off the Roll, and incapacitated from acting as an Attorney or Solicitor for the future; and any Attorney or Solicitor permitting or impowering any such Attorney or Solicitor as aforesaid, to commence or prosecute any Action or Suit in his Name, shall be struck off the Roll, and incapacitated from acting as an Attorney or Solicitor for the future. No Attornies, &c. to commence Suits, if Prisoners. 2 Barnes. 201. Penalty.

X. Provided nevertheless, and it is hereby further enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to prevent any Attorney or Solicitor so confined as aforesaid, from carrying on or transacting any Suit or Suits commenced before the Confinement of such Attorney or Solicitor as aforesaid; any thing in this Act contained to the contrary notwithstanding. Proviso.

CAP. XIV.

An Act for allowing further Time for Inrolment of Deeds and Wills made by Papists, and for Relief of Protestant Purchasers, Devisees, and Lessees.

WHEREAS by a Clause in an Act of Parliament passed in the Third Year of his late Majesty's Reign, intituled, *An Act for explaining an Act passed in the last Session of Parliament, intituled*, An Act to oblige Papists to register their Names and real Estates, and for enlarging the Time for such registring, and for securing Purchases made by Protestants; it was enacted, That from and after the Twenty ninth Day of *September*, in the Year of our Lord One thousand seven hundred and seventeen, no Manors, Lands, Tenements, Hereditaments, or any Interest therein, or Rent or Profit thereout, should pass, alter, or change from any Papist, or Person professing the Popish Religion, by any Deed or Will, except such Deed within Six Months after the Date, and such Will within Six Months after the Death of the Testator, should be inrolled in one of the King's Courts of Record at *Westminster*, or else within the same County or Counties wherein the Manors, Lands, and Tenements lie, in such Manner as therein for that Purpose is particularly directed: And whereas by a Clause in another Act of Parliament passed in the Tenth Year of his said late Majesty's Reign, intituled, *An Act for explaining and amending an Act of the last Session of Parliament, intituled*, An Act to oblige all Persons being Papists in that Part of *Great Britain* called *Scotland*, and all Persons in *Great Britain*, refusing or neglecting to take the Oaths appointed for the Security of His Majesty's Person and Government by several Acts therein mentioned, to register their Names and real Estates; *and for enlarging the Time for taking the said Oaths, and making such Registers, and for allowing further Time for the Inrolment of Deeds or Wills made by Papists, which have been omitted to be inrolled pursuant to an Act of the Third Year of his said late Majesty's Reign, and also for giving Relief to Protestant Lessees*; it was enacted, for the Relief of such Persons who had neglected or omitted to inrol their Deeds or Wills, that every Deed and Will which had been then made since the Twenty ninth Day of *September*, One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion, though not then inrolled, should be as good and effectual in the Law, as the same would have been in case the said Deeds and Wills had been inrolled within the Time limited by the said Clause in the said former Act for Inrolment thereof; provided the said Deeds and Wills should be inrolled on or before the Twenty ninth Day of *September*, One thousand seven hundred and twenty four, in such Manner as by the said former Act was directed: And whereas by a Clause in an Act passed in the Third Year of His present Majesty, intituled, *An Act for continuing and amending an Act for regulating the Price and Assize of Bread; for Relief of Bankrupts, whose Certificates were not allowed before the Expiration of a late Act*, For the better preventing Frauds committed by Bankrupts; *for allowing further Time for Inrolment of Deeds or Wills made by Papists, and for Relief of Protestant Purchasers and Lessees; and for making further Provision concerning Certificates relating to the Settlements of poor Persons, and the Charges of maintaining and removing certificated Persons*; it was enacted, for the Relief of such Protestant Purchasers and Lessees and such other Persons as had neglected or omitted to inrol their Deeds or Wills in due Time, That every Deed and Will then made since the Twenty ninth Day of *September*, in the Year of our Lord One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion, though not then inrolled, should be as good and effectual in the Law, as the same would have been, in case the said Deeds and Wills had been inrolled within the Times limited in the said Clauses in the said former Acts for the Inrolment thereof; provided the same Deeds and Wills should be inrolled on or before the Twenty ninth Day of *September*, One thousand seven hundred and thirty one, in such Manner, as by the said Clause in the said first mentioned Act was directed: And whereas by a Clause in another Act of Parliament passed in the Sixth Year of His present Majesty's Reign, intituled, *An Act for allowing further Time for the Inrolment of Deeds and Wills made by Papists, and for Relief of Protestant Purchasers and Lessees*; it was enacted, That every Deed and Will then made since the Twenty ninth Day of *September*, One thousand seven hundred and seventeen, in order to pass, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Interest therein, or Rent or Profit thereout, from any Papist or Person professing the Popish Religion, though not inrolled, should be as good and effectual in the Law as the same would have been, in case the said Deeds and Wills had been inrolled within the Times limited in the said Clauses in the said Acts for the Inrolment thereof; provided the same Deeds and Wills should be inrolled on or before the Twenty ninth Day of *September*, One thousand seven hundred and thirty three, in such Manner, as by the said Clause in the said first mentioned Act is directed: And whereas by a Clause in another Act passed in the Ninth Year of His present Majesty, intituled, *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty, as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation*; Preamble, reciting the Acts 3 Geo. I. c. 18. 10 Geo. I. c. 4. 3 Geo. II. c. 29. 6 Geo. II. c. 5. 9 Geo. II. c. 26.

ſtantiation; and for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees; it was enacted, That every Deed and Will made ſince the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or any Rent or Profit thereout, from any Papiſt or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhould be as good and effectual in the Law, as the ſame would have been, in caſe the ſaid Deeds and Wills had been inrolled within the Times limited by the ſaid Clauſes in the ſaid Acts for the Inrolment thereof; but it was provided by the ſaid laſt mentioned Clauſe, that the ſame Deeds and Wills ſhould be inrolled on or before the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and thirty ſix, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed: And whereas by
11 *Geo.* II. *c.* 11. an Act paſſed in the Eleventh Year of His preſent Majeſty, intituled, *An Act for allowing further Time for Inrolment of Deeds and Wills made by Papiſts, and for Relief of Proteſtant Purchaſers, Deviſees, and Leſſees*; it was enacted, That every Deed and Will made ſince the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or any Rent or Profit thereout, from any Papiſt, or Perſon profeſſing the Popiſh Religion, though not inrolled, ſhould be as good and effectual in the Law, as the ſame would have been, in caſe the Deeds and Wills had been inrolled within the Times limited by the ſaid Clauſes in the ſaid Acts for the Inrolment thereof; provided the ſame Deeds and Wills ſhould be inrolled on or before the Twenty ninth Day of *September*, in the Year of our Lord One thouſand ſeven hundred and thirty eight, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed: And whereas ſeveral of His Majeſty's Proteſtant Subjects ſince the Twenty ninth Day of *September*, One thouſand ſeven hundred and ſeventeen, have purchaſed Lands, Tenements, and Hereditaments, and taken Leaſes upon Fines paid, where ſome ſmall Rents have been reſerved, from Papiſts or Perſons profeſſing the Popiſh Religion, and have neglected and omitted to inrol their Purchaſe Deeds, Grants, or Leaſes, within the Times limited by the ſaid Clauſes in the ſaid Acts directed for the Inrolment thereof, and are in Danger of being defeated of their ſaid Purchaſes, Grants, or Leaſes: And whereas ſeveral Infants, and others claiming under the laſt Wills and Teſtaments of Papiſts or Perſons profeſſing the Popiſh Religion, may be defeated of their Manors, Lands, Tenements, and Hereditaments ſo deviſed to them, through the Neglect or Omiſſion of the Executors or Truſtees of ſuch Wills to inrol the ſame in due time according to the Direction of the ſaid Clauſes in the ſaid Acts; **to relieve therefore ſuch Proteſtant Purchaſers, Deviſees, Grantees, and Leſſees, and ſuch other Perſons as have neglected or omitted to inrol their Deeds or Wills in due time as aforeſaid; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Deed and**

Deeds and Wills of Papiſts made ſince 29 *Sept.* 1717, and not regiſtred, valid, if regiſtred by 28 *Nov.* 1739.

Will made ſince the Nine and twentieth Day of September, **in the Year of our Lord One thouſand ſeven hundred and ſeventeen, in order to paſs, alter, or change any Manors, Lands, Tenements, or Hereditaments, or any Intereſt therein, or any Rent or Profit thereout, from any Papiſt, or Perſon profeſſing the Popiſh Religion, though not inrolled, or not inrolled in due time, ſhall be as good and effectual in the Law, as the ſame would have been, in caſe the ſaid Deeds and Wills had been inrolled within the times limited by the ſaid Clauſes in the ſaid Acts for the Inrolment thereof; provided the ſame Deeds and Wills ſhall be inrolled on or before the Twenty eighth Day of** November, **in the Year of our Lord One thouſand ſeven hundred and thirty nine, in ſuch Manner as by the ſaid Clauſe in the ſaid firſt mentioned Act is directed.**

unleſs Advantage of not inrolling them hath been taken on or before 2 *Feb.* 1738.

II. **Provided always, That nothing herein contained ſhall extend or be conſtrued to extend, to make good any ſuch Deed, Will, or Leaſe, already made and not inrolled, of the want of Inrolment whereof Advantage ſhall have been taken on or before the Second Day of** February, **in the Year of our Lord One thouſand ſeven hundred and thirty eight; but every ſuch Deed, Will, or Leaſe ſhall remain of ſuch Force and Effect only, as the ſame would have had, if this Act had never been made, and of none other Force or Effect.**

III. And whereas many Purchaſes made by Proteſtants ſince the ſaid Twenty ninth Day of *September*, One thouſand ſeven hundred and ſeventeen, may be in danger of being impeached, or called in Queſtion, in regard that ſome Deeds or Wills, through which the Title thereto is derived, ought to have been inrolled according to the ſaid Acts, but have not been ſo inrolled, by reaſon that it was not known to ſuch Purchaſers, that the Perſons who made ſuch Deeds or Wills were Papiſts; **be it therefore further enacted by the**

Purchaſes made by Proteſtants not to be avoided, through Neglect of Inrolment.

Authority aforeſaid, That no Purchaſe made for full and valuable Conſiderations, of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, by any Proteſtant or Proteſtants, and meerly and only for the Benefit of Proteſtants, ſhall be impeached or avoided, for or by reaſon that any Deed or Will, through which the Title thereto is derived, hath not been inrolled as required by the ſaid Acts; ſo as no Advantage was taken of the want of Inrolment thereof, before ſuch Purchaſe was made, and ſo as ſuch Purchaſer or Purchaſers had not Notice before ſuch their Purchaſe, that the Perſon or Perſons who made ſuch Deed or Will was or were a Papiſt or Papiſts, and ſo as no Decree or Judgement hath been obtained for want of the Inrolment of ſuch Deeds or Wills.

Exceptions.

CAP. XV.

An Act to enable His Majeſty to ſettle an Annuity of Fifteen thouſand Pounds on his Royal Highneſs the Duke of *Cumberland*, and the Heirs of his Body, and alſo one other Annuity of Twenty four thouſand Pounds on their Royal Highneſſes the Princeſs *Amalie*, the Princeſs *Caroline*, the Princeſs *Mary*, and the Princeſs *Loviſa*.

Preamble, reciting the Acts 1 *Anne, ſtat.* 1. *cap.* 7.

MOST Gracious Sovereign: Whereas by an Act made in the Firſt Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for the better Support of her Majeſty's Houſhold, and of the Honour and Dignity of the Crown*; all Grants which ſhould be afterwards made by her ſaid late Majeſty, her Heirs, or Succeſſors, of any Manors, Meſſuages, Lands, Tenements, Rents, Tithes, Woods, or other Hereditaments (Advowſons excepted) other than ſuch as are therein expreſſed, are declared to be void; and by
9 *Anne, c.* 10. another Act made in the Ninth Year of her ſaid late Majeſty's Reign, intituled, *An Act for eſtabliſhing a general*

neral Poſt-office for all her Majeſty's Dominions, and for ſettling a weekly Sum out of the Revenues thereof for the Service of the War, and other her Majeſty's Occaſions; it was enacted, That ſuch Part of the Duties and Revenues ariſing in and by the General Letter-office or Poſt-office, which was thereby veſted in her ſaid late Majeſty, her Heirs, and Succeſſors, and therein mentioned to be undeterminable, ſhould not be alienable, chargeable, or grantable for any Eſtate, Term or Time whatſoever, to endure longer than the Life of the King or Queen that ſhould make ſuch Alienation, Charge, or Grant reſpectively; and that all Gifts, Grants, Alienations, or Aſſurances whatſoever, to be had or made of, or charged upon, the ſame Duties or Revenues, or any Part thereof, contrary to the Proviſion of that Act, ſhould be null and void: And whereas her ſaid late Majeſty at the time of making the ſaid reſpective Acts having no Iſſue, nor any Proſpect of any, no Power was thereby reſerved to make Proviſion for the younger Children of the Crown: And whereas Your Majeſty is bleſſed with a numerous Royal Progeny, endowed with many excellent Virtues and Accompliſhments, and Your Majeſty has been pleaſed to expreſs Your Royal Inclination, that a competent Proviſion ſhould be made for your younger Children out of the hereditary Revenues of the Crown, to take Effect after the Demiſe of Your Majeſty (whom God long preſerve) which gracious Inclination of Your Majeſty Your faithful Commons think highly juſt and reaſonable; **Wherefore Your Majeſty's moſt dutiful and loyal Subjects the Commons of** Great Britain **in Parliament aſſembled, do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the King's moſt Excellent Majeſty, by any Letters Patent or Indenture, or by ſeveral Letters Patents or Indentures, under the Great Seal of** Great Britain **hereafter to be made, to give and grant unto his Royal Highneſs** William **Duke of** Cumberland, **and the Heirs of his Body, one Annuity or yearly Rent or Sum of Fifteen thouſand Pounds of lawful Money of** Great Britain; **which Annuity or yearly Rent or Sum of Fifteen thouſand Pounds, and every Part thereof, ſhall commence and take Effect from the Day of the Demiſe of His Majeſty (whom God long preſerve) and ſhall be paid and payable at the Four moſt uſual Feaſts or Days of Payment in the Year; that is to ſay, The Feaſt of Saint** Michael **the Archangel, the Feaſt of the Nativity of our Lord Chriſt, the Feaſt of the Annunciation of the bleſſed Virgin** Mary, **and the Feaſt of Saint** John **the Baptiſt, by even and equal Portions; the Firſt Payment thereof to be made at ſuch of the ſaid Feaſt Days as ſhall firſt and next happen after the Demiſe of His Majeſty, with ſuch Powers for his Royal Highneſs the Duke of** Cumberland, **and the Heirs Male of his Body, to make Proviſion out of the ſaid Annuity or annual Rent by way of Jointure on any Wife or Wives he or they ſhall marry, and for his and their younger Sons, and for his and their Daughters, in ſuch Manner as his ſaid Majeſty ſhall in his Royal Wiſdom in and by his ſaid Letters Patent, Indenture, or Indentures, think fit to give, limit, or appoint.**

His Majeſty impowered to ſettle 15,000*l. per Ann.* on his Royal Highneſs the Duke of *Cumberland*, and the Heirs of his Body;

II. **And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the King's moſt Excellent Majeſty, by ſuch Letters Patent or Indenture, or by any other Letters Patent, Indenture, or Indentures, under the Great Seal of** Great Britain **hereafter to be made, to give and grant unto their Royal Highneſſes the Princeſs** Amalie, **the Princeſs** Caroline, **the Princeſs** Mary, **and the Princeſs** Loviſa, **and the Survivors and Survivor of them, or to ſuch other Perſon or Perſons as his Majeſty ſhall think fit to be named in ſuch Letters Patent, Indenture, or Indentures, and his or their Heirs, during the Lives of their ſaid Royal Highneſſes, and the Life of the Survivor of them, in Truſt for their ſaid Royal Highneſſes, and the Survivors and Survivor of them, ſubject to ſuch Contingencies and Determination as to the whole or Part thereof, as are or is hereinafter mentioned and provided, one other Annuity or yearly Rent or Sum of Twenty four thouſand Pounds of lawful Money of** Great Britain; **which Annuity or yearly Rent or Sum of Twenty four thouſand Pounds ſhall commence and take Effect from the Day of the Demiſe of His Majeſty (whom God long preſerve) and ſhall be paid and payable at the ſaid Four moſt uſual Feaſts or Days of Payment in the Year by even and equal Portions; the firſt Payment thereof to be made at ſuch of the ſaid Feaſt Days which ſhall next happen after the Demiſe of His ſaid Majeſty; and that the ſaid Annuity or yearly Rent or Sum of Fifteen thouſand Pounds ſhall and may by ſuch Letters Patent, Indenture, or Indentures, be directed to be, and ſhall be iſſuing and payable out of, and charged and chargeable upon all and every the Revenues and Monies ariſing and to ariſe by virtue and in purſuance of the ſaid Act of the Ninth Year of her ſaid late Majeſty's Reign, intituled,** An Act for eſtabliſhing a General Poſt-office for all Her Majeſty's Dominions, and for ſettling a weekly Sum out of the Revenues thereof, for the Service of the War, and other Her Majeſty's Occaſions; **or by virtue, or in purſuance of any Proviſo, Clauſe, Matter, or Thing therein contained, or of any other Act or Acts of Parliament thereby referred to; the weekly Sum of Seven hundred Pounds mentioned in the ſaid Act of the Ninth Year of Her ſaid late Majeſty's Reign, during ſuch time as the ſaid weekly Sum is to continue, and any other Monies by that Act appointed to be reſerved for the Uſe of the Publick, always excepted and foreprized: And that the ſaid Annuity or yearly Rent or Sum of Twenty four thouſand Pounds ſhall and may by ſuch Letters Patent, Indenture, or Indentures be directed to be, and ſhall be iſſuing and payable out of, and charged and chargeable upon the Hereditary Rates and Duties of Exciſe upon Beer, Ale, and other Liquors, which were granted to the Crown by an Act of Parliament of the Twelfth Year of the Reign of His late Majeſty King** Charles **the Second, intituled,** An Act for taking away the Court of Wards and Liveries, and Tenures *in Capite*, and by Knights Service, and Purveyance; and for ſettling a Revenue on His Majeſty in lieu thereof; **or which ſhall ariſe, or are payable by virtue of any other Act or Acts relating thereto.**

and 24,000*l. per Annum* on the Four younger Princeſſes.

The former chargeable on the Revenues of the Poſt-office,

the latter on the Duties of Exciſe granted by the Act 12 *Car.* II.

III. **Provided always, That nothing in this Act contained, or to be contained in ſuch Letters Patent, Indenture, or Indentures, as aforeſaid, ſhall extend to hinder or obſtruct the Payments of the weekly Sum of Three thouſand ſeven hundred Pounds, or the yearly Sum of Fifteen thouſand ſeven hundred fifty nine Pounds, nineteen Shillings, and four Pence, by former Acts of Parliament charged upon the ſaid Rates and Duties of Exciſe, or ſome of them, or the Application thereof to the reſpective Uſes intended by ſuch former Acts concerning the ſame; any thing herein contained to the contrary notwithſtanding.**

Proviſo.

Deficiency of the Post-office Revenue to answer the quarterly Payment of the 15,000 *l.* Annuity, how to be supplied.

IV. And it is hereby further enacted by the Authority aforesaid, That if the said Revenue of the Post-office, applicable to the Payment of the said yearly Sum of Fifteen thousand Pounds, shall at the End of any Quarter of a Year, be insufficient to answer the quarterly Payment of the said Annuity or yearly Rent or Sum of Fifteen thousand Pounds, and all Arrears thereof which shall be then due out of the same, according to the true Meaning of this Act; then and in every such Case the Comptroller of the said Office for the time being shall and he is hereby required without Fee or Charge, at the Request of his said Royal Highness the Duke of Cumberland, or the Heirs of his Body, or of such other Person as shall be intitled to receive any Part thereof in pursuance of this Act, and of such Letters Patent, Indenture or Indentures, as aforesaid, or of any Person by him or them respectively authorized for that Purpose, to make and deliver to his said Royal Highness, or the Heirs of his Body, or such other Person as shall be intitled as aforesaid, or to his or their Order, a Certificate in Writing of the Sum which shall be wanting to compleat the Payment of such Arrears; and on producing thereof the Commissioners of the Treasury, or any Three or more of them, or the Lord High Treasurer for the time being, shall cause every such Deficiency to be paid and satisfied out of any overplus Monies of the said Rates and Duties of Excise, or out of some other Monies arising or to arise by any Hereditary Branches of the Revenue belonging to His Majesty, His Heirs, or Successors, being appointed for the Uses of the Civil Government, with Preference to all other Payments hereafter to be charged upon such overplus Monies, or other Branches by any subsequent Grant or Grants to be made, or any Act or Acts of Parliament hereafter to be passed; And if the said Rates and Duties of Excise applicable to the Payment of the said yearly Rent or Sum of Twenty four thousand Pounds shall at the End of any quarter of a Year be insufficient to answer the quarterly Payment of the said last mentioned Annuity, or any Arrears thereof then due out of the same, according to the true Intent and Meaning of this Act; then and in every such Case the Comptroller of the Excise for the time being shall and he is hereby required without Fee or Charge at the Request of their said Royal Highnesses the Princess Amalie, the Princess Caroline, the Princess Mary, and the Princess Louisa, or the Survivors or Survivor of them, or of such of them as shall be intitled to the said Annuity, or any Part thereof, or of any other Person or Persons authorized by them respectively for that Purpose, to make and deliver to them respectively a Certificate in Writing of the Sum which shall be then wanting to compleat the Payment of such Arrears; and on the producing thereof, the Commissioners of the Treasury, or any Three or more of them, or the Lord High Treasurer for the time being, shall cause every such Deficiency to be satisfied and paid out of any Overplus Monies of the said Post-office Revenues, or out of some other Monies arising or to arise by such hereditary Branches of the Revenue appointed for the Uses of the Civil Government as aforesaid, with Preference to all other Payments hereafter to be charged upon such overplus Monies or other Branches by any subsequent Grant or Grants to be made, or any Act or Acts of Parliament hereafter to be passed; any thing in this Act or any other Law or Statute whatsoever to the contrary in any wise notwithstanding.

The said Annuities how to be paid;

V. And be it further enacted by the Authority aforesaid, That the said Annuities or yearly Rents or Sums of Fifteen thousand Pounds, and Twenty four thousand Pounds, as aforesaid, shall be paid and payable by and from the immediate Hands of all and every the Commissioners, Farmers, Treasurers, or Receivers for the time being of the said Revenues respectively, upon which the said several and respective Annuities or yearly Sums of Fifteen thousand Pounds, and Twenty four thousand Pounds, or any Part or Parts thereof shall be charged, without any Fees or Charges to be demanded or taken for paying the same or any Part thereof; and the Acquittance or Acquittances, Receipt or Receipts of his said Royal Highness the Duke of Cumberland, and the Heirs of his Body, and of such other Person or Persons as shall be intitled to receive any Part of the said Annuity of Fifteen thousand Pounds as aforesaid, and of their said Royal Highnesses the Princesses, or the Survivors or Survivor of them, or such of them as shall be intitled to the said Annuity of Twenty four thousand Pounds, or any Part thereof, or of any Person or Persons authorized by them respectively for that Purpose, shall be a good and sufficient Discharge for the Payment thereof, without any further or other Warrant to be sued for, had, or obtained in that Behalf; and that the said yearly Sums

to be Tax-free.

The Duties on which they are chargeable, on Non-payment, how to be recovered.

or Annuities, and every Part thereof, shall be free and clear from all Taxes, Impositions, and other publick Charges whatsoever; and that if the Officers of the Receipt of His Majesty's Exchequer, or the said Commissioners, Farmers, Treasurers, or Receivers for the time being of any of the said Duties or Revenues, upon which the said several and respective Annuities or yearly Sums of Fifteen thousand Pounds, and Twenty four thousand Pounds, or any Part or Parts thereof shall be charged as aforesaid, shall refuse or neglect to pay the said several and respective Annuities or yearly Sums or any Part thereof according to the true Intent of this Act, and of such Letter Patent, or Letters Patents, Indenture or Indentures, to be granted by His Majesty as aforesaid; then his said Royal Highness the Duke of Cumberland, and the Heirs of his Body, and such other Person or Persons as shall be so intitled to receive any Part of the said Annuity of Fifteen thousand Pounds as aforesaid, and the said Princesses, or the Survivors or Survivor of them, or such of them as shall be intitled to receive the said Annuities respectively, or either of them, or any Part thereof, or such their Trustees respectively, may from time to time sue, prosecute, and implead such Officers, Commissioners, Farmers, Treasurers, or Receivers, or any of them, or all or any of their Securities, their Heirs, Executors, and Administrators, by Bill, Plaint, or Action of Debt, and shall and may recover Judgements, and sue out Executions thereupon, against such Officers, Commissioners, Farmers, Treasurers, or Receivers respectively, and their respective Securities, their Heirs, Executors, or Administrators, for so much of such Sum or Sums of Money then due and owing upon the said several and respective Rents or Annuities of Fifteen thousand Pounds, and Twenty four thousand Pounds, or any Part thereof, as shall have been in the Hands of such Officers, Commissioners, Farmers, Treasurers,

Treaſurers, or Receivers reſpectively, at the time and times when ſuch Demand ſhall be made of the Payment of the ſaid ſeveral and reſpective Annuities or yearly Sums, or any Part thereof as aforeſaid.

VI. And be it further enacted by the Authority aforeſaid, That all and every the Powers, Precepts, Directions, and Clauſes to be contained in his Majeſty's Letters Patent or Letters Patents, Indenture or Indentures, hereafter to be made as aforeſaid, for the better and more certain Payment and Aſſurance of the ſaid yearly Rents, Annuities, or Sums of Fifteen thouſand Pounds, and Twenty four thouſand Pounds, and for making the ſaid reſpective Revenues liable thereunto, ſhall be and are hereby enacted to be good and effectual in the Law, according to the Tenor and Purport thereof in the ſaid Letters Patent or Letters Patents, Indenture or Indentures to be expreſſed, notwithſtanding any Reſtriction or other Matter or Thing contained in the ſaid Act of Parliament made in the Firſt Year of her ſaid late Majeſty's Reign, intituled, An Act for the better Support of Her Majeſty's Houſhold, and of the Honour and Dignity of the Crown; and notwithſtanding any Reſtriction or other Matter or Thing contained in the ſaid Act of the Ninth Year of her ſaid late Majeſty's Reign, for eſtabliſhing the Poſt-office, or any other Act or Acts of Parliament, and any Miſ-recital, Non-recital, Omiſſion, or other Defect, in the ſaid Letters Patent or Letters Patents, Indenture or Indentures hereafter to be made, in any wiſe notwithſtanding; ſaving to all and every Perſon and Perſons, Bodies Politick or Corporate, their Heirs, Executors, Adminiſtrators, and Aſſigns (other than the King's Majeſty, His Heirs, and Succeſſors, and other than ſuch Perſon or Perſons who do or may ſtand ſeized or poſſeſſed in Truſt for His Majeſty, His Heirs, and Succeſſors) all ſuch Right, Title, Intereſt, and Demand whatſoever, which they or any of them have or may have of, in, to, or out of the Revenues aforeſaid, or any Part thereof, before the making of this Act, as fully and effectually to all Intents and Purpoſes, as if this Act had not been made, this Act or any thing therein contained to the contrary notwithſtanding.

Validity of His Majeſty's Letters Patent for the Payment of the ſaid Annuities.

VII. Provided always, and it is hereby enacted by the Authority aforeſaid, That the ſaid Annuity or yearly Sum of Fifteen thouſand Pounds, ſhall not at any time or times hereafter be aliened, conveyed, diſpoſed, charged, or incumbered by his ſaid Royal Highneſs, or by any of the Heirs of his Body, for any greater or longer Eſtate or Time than during the natural Life of the Perſon ſo aliening, conveying, diſpoſing, charging, or incumbring the ſame, or ſo as to prevent the ſame from deſcending to the Heirs in Tail according to the ſaid Limitation, other than, and according to, and in purſuance of ſuch Power, for making Jointures, and for the Benefit of younger Sons and of Daughters of His ſaid Royal Highneſs the Duke, or of any of the Heirs of His Body, as ſhall be limited and given in and by ſuch Letters Patent, Indenture or Indentures, as aforeſaid.

The ſaid 15,000 *l.* not to be aliened, *&c.* otherwiſe than for Life, or as is conſiſtent with the Powers granted by the ſaid Letters Patent.

VIII. Provided alſo, and it is hereby enacted by the Authority aforeſaid, That upon the Death of any of their ſaid Royal Highneſſes the Princeſſes, or upon the Marriage of any One of them, and the Payment of a Portion on or in conſideration of ſuch Marriage, not leſs than Forty thouſand Pounds Sterling, the Right, Title, Share, and Intereſt of ſuch Princeſs ſo dying, or being married, in and to the ſaid yearly Rent or Annuity of Twenty four thouſand Pounds, or any Part thereof, ſhall ceaſe and determine; and the ſaid whole Annuity ſhall from thenceforth accrue and remain to the Three other Princeſſes; and upon the Death or Marriage of any other of the ſaid Princeſſes, and the Payment of a Portion not leſs than Forty thouſand Pounds Sterling on or in conſideration of ſuch Marriage, the Right, Share, and Intereſt of ſuch other Princeſs ſo dying, or being married, in or to the ſaid Annuity of Twenty four thouſand Pounds, ſhall ceaſe and determine; and Two third Parts of the ſaid Annuity of Twenty four thouſand Pounds, amounting to Sixteen thouſand Pounds per Annum, and no more, ſhall accrue and belong to the other Two Princeſſes then unmarried; and upon the Death or Marriage of either of the ſaid Two laſt mentioned Princeſſes, and Payment of a Portion not leſs than Forty thouſand Pounds Sterling on or in conſideration of ſuch Marriage, the Right, Share, and Intereſt of ſuch Princeſs, of, in, and to the ſaid Annuity of Sixteen thouſand Pounds, ſhall ceaſe and determine, and the other of the ſaid Princeſſes then living, ſhall be intitled to Twelve thouſand Pounds per Annum, Part of the ſaid Rent, or Annuity of Sixteen thouſand Pounds, and no more, to ceaſe and be determined on her Death or Marriage, and the Payment of a Portion not leſs than Forty thouſand Pounds Sterling on or in conſideration of ſuch Marriage.

Diſpoſal of the 24,000 *l.* in caſe of the Death or Marriage of the Princeſſes.

CAP. XVI.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Road from the* Powder Mills *on* Hounſlow Heath *in the County of* Middleſex, *to a Place called* Baſingſtone, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey.

WHEREAS by an Act paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for repairing the Road from the* Powder Mills *on* Hounſlow Heath *in the County of* Middleſex, *to a Place called* Baſingſtone, *near the Town of* Bagſhot, *in the Pariſh of* Windleſham, *in the County of* Surrey, ſeveral Tolls, Duties, and Powers were granted and given for repairing the ſaid Road, for the Term of One and twenty Years; which Term was to commence from the Firſt Day of *May*, One thouſand ſeven hundred and twenty eight: And whereas the Truſtees impowered to put the ſaid Act in Execution have upon the Credit thereof borrowed a conſiderable Sum of Money, which Money hath been applied towards the Repair of the ſaid Road; and the ſaid Sum now remains due, and cannot be diſcharged, nor can the ſaid Roads be effectually repaired, unleſs the Term and Powers granted in and by the ſaid Act be further continued, *&c.*

Preamble, reciting the Act 1 *Geo.* II. *c.* 6.

The Tolls are further continued for 21 *Years.*

CAP. XVII.

An Act to enable the Pariſhioners of the Pariſh of Saint *Catharine Coleman* in *Fenchurch-ſtreet* in the City of *London*, to rebuild the Church of the ſaid Pariſh.

Preamble.

WHEREAS the Pariſh Church of Saint *Catharine Coleman* in *Fenchurch-ſtreet* in the City of *London*, is a very ancient Fabrick, and being built at firſt with Chalk and Rubble, is now ſo decayed in the Walls and Pillars and ſeveral other Parts thereof, that the whole Building and alſo the Steeple belonging to the ſaid Church are in a ruinous Condition: **Now to the Intent the ſaid Church may be rebuilt for the publick Worſhip of God, and the Inſtruction of the Inhabitants of the ſaid Pariſh in the true Chriſtian Religion as now profeſſed in the Church of** England; **and that the ſaid Steeple may alſo be rebuilt, and that the ſame may be effected in a Manner that may be leaſt burthenſome to the Inhabitants of the ſaid Pariſh; the Rector, Church-wardens, and other Inhabitants of the ſaid Pariſh, do moſt humbly beſeech Your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That**

Truſtees impowered to pull down and rebuild the Church.

it ſhall and may be lawful to and for the Truſtees herein after appointed, or for any Seven or more of them, to cauſe the ſaid Pariſh Church and the Steeple thereof to be pulled down, and to be rebuilt after ſuch Model, and of ſuch Dimenſions, and of ſuch Materials, and in ſuch Manner and Place, as by the ſaid Truſtees, or any Seven or more of them, ſhall be agreed upon.

Funeral Rates,

II. **And for defraying the Expences of pulling down and rebuilding the ſaid Church and Steeple, be it further enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of** June, **in the Year of our Lord One thouſand ſeven hundred and thirty nine, the ſeveral Funeral Rates and Duties which have been anciently and accuſtomably payable and paid to and for the Uſe of the ſaid Pariſh only, and are mentioned and ſpecified in a certain Indenture bearing Date the Twenty ſixth Day of** March, **in the Year of our Lord One thouſand ſeven hundred and thirty nine, and made between the Rector of the ſaid Pariſh of the one Part, and the Church-wardens, and Overſeers of the Poor and Sideſmen of the ſaid Pariſh of the other Part, and to be inrolled in the High Court of Chancery, ſhall be collected, levied, and paid in the ſaid Pariſh, for the burial of any Perſon, in the Manner therein mentioned.**

Rates for tolling the Bells, as ſpecified by an Indenture,

III. **And be it enacted by the Authority aforeſaid, That when any of the Bells of the ſaid Church ſhall be required to be rung or tolled upon Occaſion of the Death or Burial of any Perſon in the ſaid Pariſh, there ſhall be paid ſuch Rates and Duties for the ſame, as in and by the ſaid Indenture to be inrolled in Chancery is in that Behalf mentioned, agreed upon, and provided.**

and Rates for the Uſe of Palls, to be applied to the Purpoſes of the Act.

IV. **And be it enacted by the Authority aforeſaid, That all Monies ariſing or to ariſe by or from the Uſe of Palls, which ſhall, during the Continuance of this Act, be ſupplied or furniſhed by or at the Charge of the ſaid Pariſh, ſhall be applied to and for the Uſes and Purpoſes mentioned in this Act; and that the Church-wardens of the ſaid Pariſh for the time being ſhall provide Two or more handſom and decent Palls for the Uſe and Service of Funerals in the ſaid Pariſh; and that no Perſon or Perſons whatſoever ſhall bring or cauſe to be brought into the ſaid Church, or any of the Church Yards or Burial Grounds belonging to the ſaid Pariſh, any Pall or Palls, unleſs ſuch Perſon or Perſons ſhall firſt pay ſuch Rates or Duties for the ſame, as in the ſaid Table of Fees are ſpecified.**

V. **And, to the End that all Monies which ſhall ariſe and be collected by the Rates and Duties above-mentioned, and the Aſſeſſments herein after directed to be levied, may be fully paid, and faithfully applied to anſwer, ſatisfy, and diſcharge all ſuch Sums of Money, as ſhall be neceſſary for rebuilding the ſaid Church and Steeple, and in adorning and compleating the ſaid Church, and which ſhall be advanced and lent upon the Credit of this Act for the Purpoſes aforeſaid, in ſuch Manner as is herein after-mentioned; be it**

Truſtees Names.

further enacted by the Authority aforeſaid, That the Rector and Churchwardens of the ſaid Pariſh for the time being, the Right Honourable the Lord Mayor of the City of London **for the time being, the Right Reverend the Lord Biſhop of** London **for the time being, the Members of Parliament for the City of** London **for the time being, the Chancellor of the Dioceſe of** London **for the time being, the Archdeacon of** London **for the time being, the Alderman of the Ward of** Aldgate **for the time being, the Maſter of the Clothworkers Company in** London **for the time being, the Maſter of the Vintners Company in** London, **for the time being, the Chairman of the** Eaſt-India **Company for the time being; Sir** John Barnard, **Knight and Alderman**; David Papillon, John Stevens, Ebenezer Muſſel, Robert Cary, William Withers, Samuel Tatham, John Smith, John Gilbert, Charles Gore, Charles Pitfield, Nathaniel Micklethwaite, Abraham Atkins, Charles Brander, Walter Vane, Thomas Bodicoate, **Eſquires**; William Plaxtone, John Boſeley, John Bernage, John Yend, William Pollard, Starkey Mayo, John Langmore, Jeremiah Bantham, John Price, Edward Sanderſon, Moſes Snow, James Kendall, Charles Maddiſon, Richard Dowdney, William Williams, John Bland, Alexander Johnſton, Peter Bonovire, Marmaduke Weſtwood, David Curry, Gregory Byrne, Nicholas Lynch, Theodore Martins, Samuel Sharpe, Bright Whilton, John Tribe, Robert Stuart, Thomas Hubard, Tayler Bates, Roger Pemberton, Charles Mempus, William Weaven, Thomas Harriſon, William Pond, Thomas Peirce, Richard Stratton, Philip Smith, John Davy Breholt, Felix Love, James Maud, Chriſtopher Roberts, Joſeph Northcote, Samuel Clever, Robert Pearce, Abraham Franko, Jacob Franko, Benjamin Iſaacs, Henry Iſaacs, **and** Ruben Solomon, **Gentlemen, ſhall be and they are hereby appointed Truſtees for putting this Act in Execution; and that they, and the Survivors of them, or any Seven or more of them, ſhall and they are by the Authority of this preſent Act impowered to demand, receive, and take the ſeveral and reſpective Rates and Duties herein before-mentioned; and the ſame are hereby**

The Rates veſted in the Truſtees,

veſted in the ſaid Truſtees for the Purpoſes aforeſaid, and ſhall be by them the ſaid Truſtees, or any Seven or more of them, paid and applied to and for the ſeveral Uſes and Purpoſes aforeſaid, in ſuch Manner as is herein after-mentioned; the neceſſary Charges

Charges expended in applying for, and obtaining an Act of Parliament for pulling down and rebuilding the said Church and Steeple, and other incident Charges, being thereout first deducted: And in case any Person or Persons shall neglect or refuse to pay such Rates and Duties, then it shall and may be lawful to and for the said Trustees, or any Seven or more of them for the time being, or any Person or Persons they or any Seven or more of them shall by any Writing under their Hands and Seals appoint and authorize, to levy the said Rates and Duties upon any Person or Persons liable to pay the same according to the true Intent and Meaning of this Act by Distress of the Goods or Chattels belonging to the Person or Persons neglecting or refusing to pay the same, and to detain and keep the same, until such Rates and Duties with the reasonable Charges of such Distress shall be paid; and that it shall be lawful to and for such Person and Persons so distraining, after the Space of Three Days next after such Distress taken to sell the Goods so distrained, returning the Overplus (if any be) to the Owner or Owners thereof, after such Rate or Rates, Duty or Duties, and reasonable Charges for, or by reason of distraining, keeping, and selling the same, shall be deducted.

which on Non-payment are to be levied by Distress and Sale.

VI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Parishioners of the Parish of Saint Catharine Coleman aforesaid, in their Vestry assembled, and they are hereby authorized, impowered, and required, within Two Kalendar Months after the passing this Act, to nominate Twelve substantial Inhabitants of the said Parish, who have not served the Office of Scavenger therein; out of which Twelve Persons so to be nominated, and in Default of such Nomination out of such other Inhabitants as have not served that Office there, the Trustees aforesaid, or any Seven or more of them, are hereby authorized, impowered, and required to choose and appoint Four Persons to be Receivers or Collectors of such Rates, Duties, and Sums of Money, as shall be due and payable by virtue of this Act, from all Persons liable to pay the same; and the said Parishioners in their Vestry assembled are also hereby authorized, impowered, and required, on the Tuesday in Easter Week, in the Year of our Lord One thousand seven hundred and forty, and also on the Tuesday in Easter Week in every succeeding Year, to nominate Twelve other like Inhabitants; and the said Trustees, or any Seven or more of them, shall choose and appoint Four of them, and in Default of such Nomination Four other like Inhabitants, to be Receivers or Collectors of the same Rates, Duties, and Sums of Money, for the Purposes contained in this Act; and all Persons who by virtue of this Act are charged therewith or liable thereto, are hereby required to pay the said Rates and Duties unto such Receivers or Collectors accordingly, the said Receivers or Collectors giving Receipts for the same gratis.

Collectors how and when to be chosen.

VII. And be it further enacted by the Authority aforesaid, That the said Collectors or Receivers to be appointed as aforesaid shall from time to time pay over all and every the Sum and Sums of Money by them respectively collected and received, to such Person or Persons as the said Trustees, or any Seven or more of them, shall by any Writing or Writings under their Hands and Seals authorize and impower to receive the same, to be applied according to the true Intent and Meaning of this Act, and not otherwise; and every such Collector or Receiver shall fairly enter in one or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money which they and every of them shall have respectively received, collected, levied, or paid by virtue of this Act, or by virtue of any Power or Authority in pursuance thereof, or by Reason or Means of any Office respectively, with the respective Times of their receiving and paying the same; and shall upon Oath, or solemn Affirmation being one of the People called Quakers, as often as required by the said Trustees, or any Seven or more of them, before One or more Justice or Justices of the Peace for the said City of London (which Oath or Affirmation such Justice or Justices is and are hereby impowered to administer) give a true, exact, and perfect Account in Writing under his and their Hand or Hands, of all Monies which he or they shall have collected, levied, received, or paid, by reason of his or their said Office; for which Oath or Affirmation no Fee or Reward shall be taken, and the same may be taken in Writing without any Stamp thereon.

Collectors to pay over the Sums received,

and to enter the Receipts and Payments in a Book,

and to account upon Oath.

VIII. And be it further enacted by the Authority aforesaid, That if any such Collectors or Receivers shall neglect or refuse to account for any Sum or Sums of Money by them respectively collected, levied, or received, to the said Trustees, or any Seven or more of them, or to pay the same to such Person or Persons as they, or any Seven or more of them, shall by Writing under their Hands and Seals authorize and impower to receive the same; that then it shall and may be lawful to and for the said Justice or Justices of the Peace of and for the said City of London, to enquire of and concerning such Neglects, Refusals, Non-payments, and Offences; and if any Person or Persons shall be convicted by such Justice or Justices of any such Neglect, Refusal, Non-payment, or Offence, then such Justice or Justices shall and lawfully may upon such Conviction commit such Person or Persons to one of the Compters of the said City, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid: And in case any Person or Persons who shall be so chosen or appointed a Collector or Collectors, Receiver or Receivers of the said Rates, Duties, and Assessments directed to be raised and levied in pursuance of this Act, shall neglect or refuse to act in or execute such Duty or Office, by the Space of Seven Days after such Appointment and Notice thereof in Writing left at his or their usual Place of Abode; then every Person so neglecting or refusing shall forfeit the Sum of Ten Pounds to the Trustees appointed by this Act, to be levied, recovered, and applied, in such and the same Manner as the Duties to be raised by virtue of this Act are herein before directed to be levied, recovered, and applied; and that upon every such Neglect or Refusal of any Person or Persons so to act in such Duty or Office as aforesaid, then and in such case it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and required, to choose and appoint a new Collector or Receiver in the Place or Stead of such Person or Persons so neglecting or refusing to act as aforesaid; and every such new

Penalties on Neglect of Account or Payment,

or Refusal to act.

Collector

Collector or Receiver shall be subject and liable to such and the same Penalties, as the Person in whose Place he shall be chosen was subject and liable to.

Collectors exempted from the Office of Scavenger.

IX. Provided always, That all and every Person and Persons, who shall have served the said Office of Collector or Receiver of the said Rates, Duties, and Assessments herein directed to be raised and levied during the Time for which he shall be thereto appointed by virtue of this Act, shall from thenceforth be totally exempted and discharged from serving the Office of Scavenger in or for any of the Precincts within the Ward wherein the said Parish Church is situated.

Annuities for Life on Contributions,

X. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Trustees, or any Seven or more of them, or such Person or Persons as they, or any Seven or more of them, shall by any Writing under their Hands and Seals authorize to receive the same, such Person giving sufficient Security to the said Trustees, for the Uses before mentioned, any Sum or Sums of Money not exceeding in the whole the Sum of Two thousand seven hundred Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable for the natural Life or Lives of such Contributor or Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by or on Behalf of such respective Contributor or Contributors at the Time of Payment of their respective Contribution-monies, so as the Annuity or Annuities do not exceed the Sum of Eight Pounds per Annum for every One hundred Pounds, and so in Proportion for any greater or less Sum to be advanced and paid as aforesaid; all which said Annuity or Annuities so to be purchased as aforesaid shall not exceed in the whole the Sum of Two hundred and sixteen Pounds per Annum, and shall be payable and paid by the said Trustees, or any Three or more of them, in the Vestry-room of the said Parish, to the Purchaser or Purchasers of the same, their Executors, Administrators, or Assigns, at such Times, and in such Proportions, as shall be agreed upon between the Purchaser or Purchasers, and the said Trustees.

at 8 *l. per Cent. per Annum.*

Books of Account to be kept.

XI. And it is hereby further enacted by the Authority aforesaid, That there shall be provided by the said Trustees, and kept in the Vestry-room of the said Parish, a Book or Books, in which shall be fairly written in Words at Length the Names and Surnames with the proper Additions and Places of Abode of all such Persons who shall be Purchasers of any of the Annuities aforesaid, and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon this Act, together with the Name or Names and Places of Abode of such Person and Persons for whose Life or Lives the said Annuity or Annuities shall be purchased, and also the Sum and Sums so paid for the Purchase of such Annuities, and the respective Days of Payment thereof; to which Book and Books it shall be lawful for the said respective Purchasers, their Executors, Administrators, and Assigns, and to and for any Person or Persons who shall be liable to pay any Rates, Duties, or Assessments to be made by virtue of this Act from time to time at all seasonable times to have Recourse and inspect the same without Fee or Reward.

Annuities charged on the Rates,

XII. And be it further enacted by the Authority aforesaid, That all and every the Annuity or Annuities so to be purchased under and by virtue of this Act shall be and are hereby charged upon, and shall be paid and payable from time to time out of, the Monies arising by the said Rates, Duties, and Assessments herein mentioned; and all and every Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase-money for any such Annuity or Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Executors, Administrators, or Assigns, shall have, receive, and enjoy, and be intitled by virtue of this Act to have, receive, and enjoy, the respective Annuity or Annuities so to be purchased out of the said Rates, Duties, and Assessments by this Act appropriated or appointed for the Payment thereof; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, and Assigns respectively, shall have good, sure, absolute indefeasible Estates and Interests in the Annuities so by them respectively purchased, or to be purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject or liable to any Taxes laid or to be laid by the Authority of Parliament, or otherwise howsoever.

and Tax-free.

Annuitants to have Receipts and Orders for Payment.

XIII. And be it enacted by the Authority aforesaid, That every Contributor upon this Act for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money for the same, or any Part or Proportion thereof, into the Hands of the said Trustees, or any Seven or more of them, or to such Person or Persons as they or any Seven or more of them shall for that Purpose appoint, shall have one or more Receipt or Receipts, importing the Receipt of so much Purchase-money as shall be so paid; and upon Payment of all the Purchase-money for any such Annuity or Annuities every such Contributor or Contributors, his, her, or their Assigns respectively, shall have an Order in Parchment or Vellum for Payment of the said Annuity or Annuities for and during the natural Life of such Person as shall be nominated therein as aforesaid; which Order shall be signed by the said Trustees, or any Seven or more of them, and after signing thereof the same shall by the Authority of this Act be firm, good, valid, and effectual in Law according to the Purport and true Meaning thereof.

Annuities assignable.

XIV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to or for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times by Writing under his, her, or their Hands and Seals to assign such Annuity or Annuities, or any Part thereof or Interest therein, to any Person or Persons whatsoever, and so as often as required; and a Memorandum or Entry of all such Assignments shall be made in a Book, which is hereby required to be kept by such Person or Persons as the said Trustees, or any Seven or more of them, shall appoint for that Purpose, at the Charge of the said Trustees, in the Vestry-room belonging to the said Parish, which Entry or Memorandum shall be made gratis.

XV. And

XV. And for effectually ſecuring the Payment of Annuities by this Act to be granted for the pious Purpoſes aforeſaid, be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, by any Writing under their Hands and Seals from time to time to make or cauſe to be made an Aſſeſſment or Aſſeſſments on all Lands, Houſes, Tenements, and Hereditaments within the ſaid Pariſh, ſo as the ſame do not exceed in the whole One Shilling and Six Pence in the Pound in any one Year of the yearly Rent of ſuch Lands, Houſes, Tenements, and Hereditaments, as the ſame ſhall be aſcertained and rated to the Land Tax; and they are hereby authorized and required to order and direct the Receivers and Collectors ſo to be choſen and appointed as aforeſaid, for the time being, to collect quarterly from the Owners and Occupiers of ſuch Lands, Houſes, Tenements, and Hereditaments, ſuch Rates and Sums of Money ſo to be aſſeſſed as aforeſaid; Two third Parts of which Rates and Aſſeſſments ſhall be paid by the Landlords or Owners, and the other third Part by the Tenants or Occupiers of ſuch Lands, Houſes, Tenements, and Hereditaments; and which ſaid Tenants and Occupiers ſhall and may deduct and retain out of the Rents payable to the Landlords and Owners of the ſame Premiſſes, the ſaid Two third Parts of ſuch Rate or Aſſeſſment ſo to be made and collected as aforeſaid; and the ſaid Landlords (mediate or immediate according to their reſpective Intereſts) are hereby required to allow ſuch Tenants ſuch Deductions and Payments accordingly; and every Tenant paying any ſuch Rate or Aſſeſſment for or upon the Landlord's Account, ſhall be acquitted and diſcharged for ſo much Money as the ſame ſhall amount unto, as fully and effectually as if the ſame had been actually paid to any ſuch Landlord or Landlords, or other Perſon or Perſons to whom his or her Rent was or ſhould have been paid or payable; and the Money ariſing or being due from ſuch Rates or Aſſeſſments ſhall be levied, accounted for, paid, and applied in ſuch Manner, and for ſuch Purpoſes, as the other Rates and Duties herein before by this Act directed to be raiſed and levied, are directed and appointed to be recovered, accounted for, paid, and applied.

Quarterly Aſſeſſments to be made;

and to be paid Two Thirds by the Landlord, and one by the Tenant.

XVI. Provided always, That in caſe any Houſe, Tenement, or Premiſſes ſhall be ſet, lett, or occupied in different Apartments, Rooms, or Lodgings, to or by diſtinct and ſeparate Families, Lodgers, or Inmates, the whole Houſe, Tenement, or Premiſſes ſo lett or occupied, ſhall be charged with the whole Rate aſſeſſed or to be collected for or in Reſpect of the ſame; and in caſe of Nonpayment ſhall and may be levied and recovered upon and from any of the Inhabitants or Occupiers of any Part or Parts of ſuch Houſe, Tenement, and Premiſſes, in ſuch and the ſame Manner as the other Rates or Duties directed by this Act to be raiſed, are appointed to be levied and recovered.

Proviſion where Houſes are lett out in different Apartments.

XVII. Provided always, and it is hereby further declared and enacted, That the Payment of the Rates, Duties, and Aſſeſſments directed to be raiſed and levied by this Act, ſhall not intitle any Perſon or Perſons whatſoever to any Settlement in the ſaid Pariſh of Saint Catharine Coleman, who was not before ſuch Payment legally intitled to ſuch Settlement in the ſaid Pariſh.

The Rates not to intitle Perſons to Settlements.

XVIII. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Receivers and Collectors to be appointed purſuant to this Act, at all convenient Times to inſpect the Books or Rates of or for Aſſeſſments of the Land Tax for the ſaid Pariſh, in order to aſcertain the Rates and Duties to be raiſed and levied by virtue of this Act, and to take Copies thereof at the Expence of the ſaid Truſtees.

Collectors to inſpect Land Tax Books.

XIX. And for continuance of a ſufficient Number of fit and able Perſons to be Truſtees for putting this Act in Execution, be it further enacted by the Authority aforeſaid, That from time to time and at all times hereafter during the Continuance of this Act, as the Number of Truſtees appointed by this Act or hereafter to be elected in purſuance thereof ſhall be reduced to Thirty, it ſhall and may be lawful to and for the ſurviving and remaining Truſtees, or any Seven or more of them, by any Writing or Writings under their Hands and Seals upon any Eaſter Tueſday in the publick Veſtry of the ſaid Pariſh to nominate, elect, and appoint other fit and able Perſon or Perſons, either Landlord or Tenant, to be Truſtees with them; and ſuch Perſon or Perſons as ſhall from time to time be choſen a Truſtee or Truſtees, ſhall and may and is and are hereby impowered to act, to all Intents and Purpoſes as fully and amply as any Truſtee or Truſtees is and are by this Act impowered to do.

Number of Truſtees when reduced to 30, to be filled up.

XX. Provided always, That if any Perſon choſen or appointed a Truſtee for the Purpoſes of this Act, ſhall undertake any Part of the building of the ſaid new intended Church or Steeple, or have any Share or Intereſt in any Contract relating thereto, every ſuch Perſon ſhall from thenceforth be utterly diſabled and diſqualified from acting in the ſaid Truſt: And that no Truſtee or Truſtees herein before named, or hereafter to be appointed as aforeſaid, other than thoſe intitled to be Truſtees by virtue of their Office or Stations as aforeſaid, ſhall act in the Execution thereof, but during ſuch time as they ſhall reſpectively pay, or be liable to pay, either as Landlord or Tenant, for Twenty Pounds a Year Rent towards the Rates and Aſſeſſments aforeſaid.

Intereſted Perſons not to act as Truſtees, &c.

XXI. And be it further enacted, That it ſhall and may be lawful for the Pariſhioners in Veſtry aſſembled, with the Conſent of the ſaid Truſtees or any Seven or more of them, to make ſuch Alterations in the ancient and accuſtomed Rates and Duties for Burials as to the Ground and Bells, as they ſhall think neceſſary and convenient, as well during the building of the ſaid new Church, as after the ſame ſhall be finiſhed; ſo as ſuch Alterations be in like Manner inrolled in Chancery, and that the whole Sum to be paid on any ſuch Occaſion do not exceed the Rates and Duties that have been uſually paid and received in the ſaid Pariſh for the Burial of any Perſon in like Caſes.

Pariſhioners impowered to alter the Burial Fees.

XXII. And be it further enacted by the Authority aforeſaid, That the ſeveral Rates and Aſſeſſments hereby directed and appointed to be raiſed and levied in the Caſe and for the Purpoſes aforeſaid, ſhall take Place and have Continuance from the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, for and during ſuch time only as any of the Annuities to be granted purſuant to this Act as aforeſaid ſhall have Continuance, and when as often as there ſhall be Occaſion or Neceſſity to raiſe the ſame, and no longer,

Commencement and Continuance of the Rates;

longer, and not otherwiſe; and from and after the Determination of all the ſaid Annuities ſuch Rates and Aſſeſſments ſhall ceaſe and determine; and from thenceforth the ancient and accuſtomed Rates and Duties for Funerals, as the ſame are ſpecified and expreſſed in the ſaid Indenture or Indentures aforeſaid to be inrolled in Chancery, ſhall from thenceforth be payable and paid, and that in ſuch Manner and Form, and to ſuch Uſes, as before the paſſing of this Act: And that the ſeveral Rates and Duties ariſing from Palls by virtue of this Act ſhall continue to be received and paid, notwithſtanding the Determination of the ſaid Annuities, and ſhall from thenceforth be veſted in and paid to the Churchwardens of the ſaid Pariſh for the time being, and be applied towards the Support and Repair of the ſaid Church and Steeple thereunto belonging; any Statute, Law, Uſage, or Cuſtom, or any thing herein contained to the contrary notwithſtanding,

on their Determination, the old Funeral Rates to be paid;

but Pall Rates to continue.

XXIII. And it is hereby further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Seven or more of them, ſhall have full Power and Authority, and they are hereby authorized and impowered, or ſuch Perſon or Perſons as they or any Seven or more of them ſhall from time to time for that Purpoſe appoint, to ſell and diſpoſe of the Materials of the ſaid Church, if they ſhall ſo think fit, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame; and the Money ariſing by ſuch Sale ſhall be applied to the Purpoſes of this Act, and to no other Purpoſe whatſoever.

Truſtees may ſell the Materials of the Church.

XXIV. And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall take care to have all Receipts, Payments, Debts, Credits, and Contracts made with or by the Artificers and Workman employed or to be employed in or about the rebuilding of the ſaid Church or Steeple and Premiſſes, or any way relating thereto, and all other their Proceedings, to be fairly entred and written in One or more Book or Books to be kept for that Purpoſe; and by or out of the Monies ariſing from all or any of the Rates or Aſſeſſments to be made or levied as aforeſaid, or by or out of any other Sum or Sums of Money which ſhall come to their or any of their Hands, or to the Hands of any Receiver or Receivers to be by them appointed, ſhall pay and ſatisfy, or cauſe to be paid and ſatisfied, unto the Artificers and Workmen to be employed in and about the rebuilding of the ſaid Church and Steeple, and Premiſſes, all Sums of Money which ſhall be juſtly due to them or any of them for the ſame.

Truſtees Proceedings to be entred in Books.

Charge for the Payment of Workmen.

XXV. And it is hereby further enacted and declared by the Authority aforeſaid, That all Books of Accounts concerning Receipts, Payments, Credits, and Contracts, ſhall from time to time and at all convenient times be open to the Inſpection and Peruſal of any Perſon or Perſons who ſhall pay any Rates or Aſſeſſments by virtue of this Act.

Books to be open for the Inſpection of any Perſons who pay the Rates.

XXVI. And be it further enacted by the Authority aforeſaid, That the Truſtees appointed or to be appointed for the Purpoſes mentioned in this Act ſhall at all their Meetings defray their own Charges and Expences, and ſhall give ſuch publick previous Notice of their ſeveral Meetings, as ſhall from time to time be by them, or any Seven or more of them, agreed upon.

Truſtees to defray their own Charges, and give Notice of their Meetings.

XXVII. And whereas the Parſonage-houſe, or other Houſes or Ground lying near or contiguous to the ſaid Church, may be in ſome meaſure injured or damaged by the pulling down or rebuilding the ſaid Church and Steeple; it is hereby further declared and enacted, That the ſaid Truſtees, or any Seven or more of them, ſhall and may, and they are hereby directed and required, out of the Money to be raiſed by virtue of this Act to make reaſonable and ſufficient Satisfaction and Amends to the Rector and his Succeſſors, and ſuch other Perſon or Perſons who ſhall be ſo damaged or injured by the pulling down or rebuilding the ſaid Church and Steeple: And in caſe the ſaid Truſtees, or any Seven or more of them, and the Perſon or Perſons ſo injured or damaged as aforeſaid, cannot agree to aſcertain the Damage which ſhall have been ſuſtained, and the Satisfaction which ſhould be made for the ſame, within Two Kalendar Months next after the Damages done, that then and in ſuch Caſe the ſame ſhall be valued, aſcertained, adjuſted, and determined by the Verdict of Twelve indifferent Men of the City of London, to be returned by the Sheriffs of the ſaid City of London; and the ſaid Sheriffs are hereby impowered and required, upon Requeſt to them made by the ſaid Truſtees or any Seven or more of them, or by ſuch Perſon or Perſons who ſhall be ſo damaged or injured, to ſummon ſuch Jury in the ſame Manner as Juries are uſually ſummoned to aſſeſs Damages upon Writs of Enquiry in Actions at Law; who are hereby required to attend upon ſuch Summons, and reaſonable Notice in Writing being given or left at the Dwelling-houſes or Places of Abode, as well of the ſaid Owners or Proprietors of ſuch Houſes, as of the Churchwardens of the ſaid Pariſh for the time being, of the Time and Place ſuch Jury are to meet, to charge ſuch Jury upon Oath (which Oath the ſaid Sheriffs or their Deputy or Deputies are hereby impowered to adminiſter) with the aſſeſſing, adjuſting, aſcertaining, and determining the Value of ſuch Damages, which the ſaid Owners or Proprietors reſpectively ſhall have ſuſtained or ſuffered in the Premiſſes, and to cauſe the ſaid Jury firſt to view the Premiſſes, and alſo to examine upon Oath before ſuch Jury (which Oath the ſaid Sheriffs or their Deputy or Deputies are hereby alſo impowered to adminiſter) all ſuch Witneſs or Witneſſes as ſhall be produced, as well on the Part of the ſaid Truſtees, as the ſaid reſpective Owners and Proprietors, and to uſe all other lawful Ways and Means as well for the ſummoning and appearing of the ſaid Jury, as for the ſaid Jury's proper Information in the Premiſſes, as the ſaid Sheriffs or their Deputy or Deputies ſhall think fit, and to make the Aſſeſſment, Valuation, and Verdict of the ſaid Jury touching the Premiſſes in Writing, to be ſubſcribed by the ſaid Jury, and to give Copies thereof, as well to the ſaid Church-wardens, as to the ſaid Owners and Proprietors reſpectively; and ſuch Aſſeſſment, Valuation, and Verdict of the ſaid Jury, ſhall be binding and concluſive to all Intents and Purpoſes; and the ſaid Truſtees, or any Seven or more of them, ſhall out of the ſaid Fund to be raiſed by virtue of this Act pay to the ſaid Owners and Proprietors reſpectively, all ſuch Sum or Sums of Money as ſhall be ſo valued, aſſeſſed, aſcertained, or determined by ſuch Jury as aforeſaid, together with the Charges and Expences of the ſaid Sheriffs and Jury.

Satisfaction to be made for Damage of contiguous Houſes,

to be aſcertained by a Jury, in caſe of Difference,

and their Valuation to be binding.

XXVIII. And whereas *Mary Bainbrigg*, of the Pariſh of Saint *Margaret*, *Weſtminſter*, in the County of *Middleſex*, Widow, now is and ſtandeth by virtue of certain Indentures of Leaſe, and other Acts, or

valid Conveyance in the Law, poſſeſſed of, intereſted in, and intitled in her own Right, amongſt other Lands, to one Meſſuage with the Appurtenances ſituate in or near *Fenchurch Street* aforeſaid, formerly in the Occupation of the Widow *Adley* deceaſed, but now of *John Hawkins*, for the Reſidue of a Term of Forty Years, whereof Twelve Years are to come on the Twenty fifth Day of *March*, One thouſand ſeven hundred and thirty nine; and in and to all that one other Meſſuage with the Appurtenances thereof ſituate alſo in or near *Fenchurch Street* aforeſaid, formerly in the Occupation of the Widow *Andrews*, but late of *George Sibley*, for the Reſidue of one other Term of Forty Years, whereof Eleven Years are to come on the Twenty fifth Day of *March*, One thouſand ſeven hundred and thirty nine, for ſo many Years of the ſaid Terms as ſhall reſpectively expire in the Life-time of the ſaid *Mary Bainbrigg*; and after her Death the aforeſaid Meſſuages with the Appurtenances now poſſeſſed by the ſaid *John Hawkins*, and lately by the ſaid *George Sibley*, are by the ſame, or ſuch like Conveyance or Act in Law, amongſt other Lands, to come to, veſt in, and be held and enjoyed by *Margaret Jones*, of the ſaid Pariſh of Saint *Margaret*, Widow, for ſo many Years of the ſaid reſpective Terms as ſhall expire in her Life-time; and after the Death of the longeſt Liver of them, the ſaid *Mary Bainbrigg*, and *Margaret Jones*, the aforeſaid Premiſſes for the Reſidue of the ſaid reſpective Terms are to come to, veſt in, and be held and enjoyed by *John Hart* and *Henry Hart*, two of the Sons of the ſaid *Mary Bainbrigg* by a former Husband, and *William Bainbrigg* and *John Bainbrigg*, two Infant Sons of the ſaid *Mary Bainbrigg* by her Second Husband, and to their reſpective Executors, Adminiſtrators, and Aſſigns, equally to be divided between them, Share and Share alike, as Tenants in common and not as Joint-tenants: And whereas it may be commodious, when the ſaid Church comes to be rebuilt, for the ſaid Truſtees to purchaſe the ſaid Premiſſes ſo in the Poſſeſſion of the ſaid *John Hawkins*, and lately of the ſaid *George Sibley*, for the Reſidue of the ſaid Terms, in Truſt for the Benefit of the Inhabitants of the ſaid Pariſh for the time being; and although the ſaid *Margaret Jones* is at preſent alſo ſufficiently intitled to a yearly Annuity of Twenty five Pounds, chargeable as well on the ſaid Terms in the Premiſſes now in the Poſſeſſion of the ſaid *John Hawkins*, and lately of the ſaid *George Sibley*, as on the other Lands; yet as well the ſaid *Margaret Jones* as the ſaid *Mary Bainbrigg* for herſelf and on Behalf of her two Infant Sons, and the ſaid *John Hart* and *Henry Hart*, in Conſideration of the Annuity to them reſpectively to be made payable in Manner as herein after mentioned, are content to depart with their reſpective Intereſts in and Charge on the ſaid Premiſſes; **it is therefore hereby further enacted by the Authority aforeſaid, That the ſaid** Mary Bainbrigg, **or ſuch Perſon or Perſons as the ſaid** Mary Bainbrigg **ſhall nominate or appoint, for ſo many Years of the ſaid Terms as ſhe ſhall happen to live, or in caſe of her Death the ſaid** Margaret Jones **ſhall nominate, for ſo many Years of the ſaid Terms as ſhe ſhall happen to live, and after the Death of the longeſt Liver of them, without any ſuch Nomination, then ſuch Perſon or Perſons as the ſaid** John Hart, Henry Hart, William Bainbrigg, **and** John Bainbrigg, **the Sons of the ſaid** Mary Bainbrigg, **or the Survivor of them, or the Executors or Adminiſtrators of ſuch Survivor, ſhall nominate and appoint, ſhall from and immediately after the paſſing of this preſent Act be, and ſhe, he, or they are hereby declared to be, a Purchaſer or Purchaſers of and for one clear yearly Annuity of Twenty three Pounds to be paid and payable by Four equal quarterly Payments as herein after is mentioned; which ſaid Annuity is hereby veſted in, and to remain payable, and be paid to ſuch Perſon or Perſons ſo to be nominated reſpectively, his, her, and their Executors and Adminiſtrators, from, and immediately after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty nine, for the Term of Eleven Years and Three Quarters, from thenceforth next enſuing, to be paid and payable out of the Funds in and by this Act created and mentioned, by Four equal Payments** (to wit) **on the Four moſt uſual Days of Payment in the Year; the firſt of which Payments to be made on the Twenty ninth Day of** September, **One thouſand ſeven hundred and thirty nine, and to be ſo held, recovered, and received, to and by ſuch Perſons reſpectively, her, his, or their Executors, Adminiſtrators, or Aſſigns, clear of all Manner of Taxes, Out-goings, Reprizals, and Deductions whatſoever, for the Purpoſes herein after mentioned,** videlicet, **Upon Truſt to permit the ſaid** Mary Bainbrigg, **and her Aſſigns, to receive and enjoy the ſaid clear yearly Annuity of Twenty three Pounds of lawful Money of** Great Britain, **by ſuch quarterly Payments as aforeſaid, and for ſo many Years of the ſaid Term of Eleven Years and Three Quarters as ſhe ſhall happen to live; and from and after her Deceaſe, to permit the ſaid** Margaret Jones, **and her Aſſigns, to receive and enjoy the ſame clear yearly Annuity of Twenty three Pounds of like lawful Money, for ſo many Years of the then Reſidue of the ſaid Term of Eleven Years and Three Quarters as ſhe ſhall happen to live, at ſuch Times, and in ſuch Manner, as aforeſaid; and from and immediately after the Deceaſe of the longeſt Liver of them the ſaid** Mary Bainbrigg, **and** Margaret Jones, **the ſame Annuity of Twenty three Pounds is, and ſhall be payable and held upon Truſt for, and to be paid to, the ſaid** John Hart, Henry Hart, William Bainbrigg, **and** John Bainbrigg, **their Executors, Adminiſtrators, and Aſſigns, at the Days, and in the Manner before mentioned, and ſhall be equally divided between them Share and Share alike, in ſuch Manner as to the Apportionment of the ſaid Annuity, as the Rents and Profits of the ſaid Premiſſes are by ſuch Acts in Law or Conveyances as aforeſaid preſcribed, or ought to be by them the ſaid** John Hart, Henry Hart, William Bainbrigg, **and** John Bainbrigg **enjoyed.**

An Annuity of 23*l.* to be given for the remaining Part of a Leaſe of certain Meſſuages.

XXIX. **And it is hereby further enacted, That the ſaid** Mary Bainbrigg, Margaret Jones, John Hart, Henry Hart, William Bainbrigg, **and** John Bainbrigg, **ſhall as ſoon as conveniently may be after the paſſing of this Act, at the Requeſt and at the Charges of the ſaid Truſtees aſſign their Eſtates and Intereſts reſpectively in and to the ſaid reſpective Terms, to ſuch Perſon as they the ſaid Truſtees ſhall appoint, for the Benefit of the Inhabitants of the ſaid Pariſh, clear of all Incumbrances done or committed by them the ſaid** Mary Bainbrigg, Margaret Jones, John Hart, **and** Henry Hart, **each Perſon ſo to covenant for herſelf and himſelf only (ſubject to the Payment and Performance of all ſuch Rents and Covenants as the original Leſſee of the ſaid Terms held the ſaid Premiſſes ſubject to) and ſuch Aſſignment, together with this Act, ſhall be a good Bar to all Claims and Charges, either of the ſaid** Mary Bainbrigg, Margaret Jones, John Hart, Henry Hart, William Bainbrigg, **and** John Bainbrigg, **to or on the ſaid reſpective Premiſſes and Terms, the Infancy of the ſaid** William **and** John Bainbrigg **notwithſtanding.**

The ſame to be aſſigned to the Truſtees, clear of Incumbrances.

The Truſtees to perform the Tenants Part, and to imdemnify the preſent Occupiers.

XXX. And it is hereby further enacted, That after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, the ſaid Truſtees, and their Succeſſors, or any Seven or more of them, ſhall from time to time and at all times during the Reſidue of the ſaid reſpective Terms demiſed by the ſaid ſeveral Leaſes, pay the Ground Rent, and perform all and every the Covenants, Grants, and Agreements in the ſaid recited Indentures, contained, on the Tenants or Leſſees Part to be paid and performed; and alſo from time to time and at all times hereafter ſhall ſave harmleſs and keep indemnified the ſaid Mary Bainbrigg, Margaret Jones, John Hart, Henry Hart, William Bainbrigg, and John Bainbrigg, and their reſpective Executors and Adminiſtrators, of, from, and againſt, and they are hereby exempted and exonerated from the Payment and Performance of all Ground and other Rents, Charges, Payments, and Covenants whatſoever ſo entered into by the original Leſſee of the ſaid Premiſſes, or wherewith ſuch Leſſee, or ſuch Perſon or Perſons as now do, or thereafter ſhall or might claim the aforeſaid Two Meſſuages and Premiſſes ſo now or late in the reſpective Poſſeſſions of the ſaid John Hawkins, and George Sibley, or any Part thereof, or any Intereſt, Title, or Charge therein, or to or on the ſame, can be, or that might, ought, or could be charged or chargeable, and which ſhall or may grow due, accrue, happen, or ought to be paid or performed, in reſpect of, or in relation to the ſaid Meſſuages and Terms, or either of them, or any Part thereof; and of, from, and againſt all Loſſes, Charges, Trouble, and Expence whatſoever, which they the ſaid Mary Bainbrigg, Margaret Jones, John Hart, Henry Hart, William Bainbrigg, and John Bainbrigg, or any, or either of them, their, or any, or either of their Heirs, Executors, or Adminiſtrators, ſhall or may bear, pay, ſuſtain, or be put unto, for or by reaſon or means of the Non-payment of any Ground-rent, or other Rent or cuſtomary Payments whatſoever, in reſpect of the ſame Meſſuages and Premiſſes, or either of them, or any Part thereof, either to the Rector of the ſaid Pariſh for the time being, or to any other Perſon or Perſons whatſoever, by reaſon, or for, or on account of any Covenant or Covenants hereafter to be broken, or Breach in any Covenant or Covenants hereafter to be made, contained in any Leaſe or Leaſes of the ſaid Meſſuages, or either of them, or any Part thereof, or any Reſervation on reſpect thereof, or otherwiſe contained or mentioned in any Counterpart or Counterparts of ſuch Leaſe or Leaſes, or other Writing relating to the Premiſſes, or in any other Manner concerning the ſame or either of them, from or at any Time after the Commencement of this preſent Act of Parliament; any thing in this Act, or in the aforeſaid Leaſes, Counterparts, Writings, or otherwiſe, or any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

At the Expiration of one of the Leaſes, 10*l.* to ceaſe.

XXXI. Provided always, and it is hereby declared and enacted, That immediately from and after the Expiration of the aforeſaid Term in the aforeſaid Meſſuage and Tenement laſt above mentioned and deſcribed to be lately poſſeſſed by the ſaid George Sibley, and immediatly after that Term ſhall determine, Ten Pounds, Part of the ſaid Annuity of Twenty three Pounds, in reſpect of that Meſſuage or Tenement only, ſhall ceaſe and likewiſe determine; any thing in this preſent Act of Parliament contained to the contrary thereof in any wiſe notwithſtanding.

The 23*l.* Annuity ſubject to the Payment of a 25*l.* Annuity, before charged on the Premiſſes.

XXXII. And be it further declared and enacted by the Authority aforeſaid, That the ſaid Annuity of Twenty three Pounds to be payable and paid as aforeſaid, from the ſaid Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, for and in reſpect of the ſaid Premiſſes deſcribed to be in the Poſſeſſion of the ſaid John Hawkins, and lately in the Poſſeſſion of the ſaid George Sibley, and every Part of the ſaid Annuity ſhall be ſubject and liable to the Payment of the ſaid Annuity of Twenty five Pounds to the ſaid Margaret Jones and her Aſſigns, during the Lives of the ſaid Mary Bainbrigg and the ſaid Margaret Jones, in the ſame Manner as the ſaid Premiſſes are now ſubject and liable to the Payment of the ſaid Annuity of Twenty five Pounds to the ſaid Margaret Jones, and her Aſſigns.

Certain Vaults, Monuments, &c. not to be taken away.

XXXIII. Provided always, That this Act ſhall not extend to take away the Graves, Grave-ſtones, or Monuments belonging to the Families of John or David Papillon, Eſquires, or either of them, nor the Vaults in or under the Croſs Iſle of the Weſt End of the ſaid Church, built by Starkey Mayo, Jane Fuller Wife of William Fuller, and Mabell Colbourn Widow, and for the Interment of him, her, or themſelves, and Families, and Deſcendants; but the ſame Graves, Grave-ſtones, Monuments, and Vaults in or under the ſaid Church when rebuilt, ſhall be preſerved, or provided for, and belong to the ſaid ſeveral Perſons, his, her, and their Deſcendants, in the ſame and in the like Manner, as the ſaid Graves, Grave-ſtones, Monuments, and Vaults were before the paſſing of this Act.

Rights of the Biſhop of *London*, and the Rector, not hereby hurt.

XXXIV. Provided always, That nothing in this Act contained ſhall extend or be any wiſe conſtrued to extend to hurt or prejudice the Right, Title, and Intereſt of the Right Reverend Father in God Edmund Lord Biſhop of London, or his Succeſſors, or of the Rector of Saint Catharine Coleman aforeſaid, or his Succeſſors, in any reſpect whatſoever.

Limitation of Actions.

XXXV. And be it enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any thing done or to be done in purſuance of this Act, every ſuch Suit or Action ſhall be commenced within Six Kalendar Months next after the Fact committed, and not afterwards; and ſhall be brought and tried in the City of London, and not elſewhere: And the Defendant or

General Iſſue.

Defendants in ſuch Suit or Action ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to be ſo done, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant

Treble Coſts.

or Defendants ſhall or may recover Treble Coſts, and have the like Remedy, for the ſame,

ſame, as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

XXXVI. And it is hereby further enacted and declared, That this Act ſhall be deemed and taken, to be a Publick Act; and all Judges, Juſtices, and other Perſons, are to take Notice thereof as ſuch in all Courts and Places whatſoever, without ſpecially pleading the ſame. Publick Act.

CAP. XVIII.

An Act for repairing the Road or Highway from the *Dun Cow* in the Town of *Dunchurch*, through the Pariſh of *Bilton* over *Dunſmore Heath* to the Town of *Hill Morton* in the County of *Warwick*; and from thence through the ſeveral Pariſhes of *Creek*, *Weſt Haddon*, and *Eaſt Haddon*, in the County of *Northampton*, to Saint *James*'s *End* in the Pariſh of *Duſton*, in the ſaid County of *Northampton*.

WHEREAS the Road or Highway from the *Dun Cow* in the Town of *Dunchurch*, through the Pariſh of *Bilton*, over *Dunſmore Heath*, to the Town of *Hill Morton* in the County of *Warwick*, and from thence through the ſeveral Pariſhes of *Creek*, *Weſt Haddon*, and *Eaſt Haddon* in the County of *Northampton*, and from thence to Saint *James*'s *End* in the Pariſh of *Duſton* in the ſaid County of *Northampton*, is by the many heavy Carriages that paſs that Way become ſo ruinous and founderous, that not only the Coaches, Carts, Carriages, and Droves of Cattle that paſs through the ſame, but alſo the Lives of Travellers paſſing that Way, are often in very great Danger: And whereas the ſaid Road or Highway cannot (by the ordinary Statute-work appointed by the Laws now in Force for repairing the Highways of this Kingdom) be effectually amended, unleſs ſome other Proviſion be made for raiſing Money to be applied for that Purpoſe, *&c.* Preamble.

Certain Tolls are granted from 24 June, 1739, *for* 21 *Years.*

CAP. XIX.

An Act for granting to His Majeſty the Sum of Five hundred thouſand Pounds out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and thirty nine; and for enabling His Majeſty to raiſe the further Sum of Five hundred thouſand Pounds out of the growing Produce of the ſaid Fund; and for the further appropriating the Supplies granted in this Seſſion of Parliament; and for giving Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

MOST gracious Sovereign: We Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain in Parliament aſſembled, being deſirous to raiſe the Supply granted to Your Majeſty in this Seſſion of Parliament by Ways the leaſt burthenſome to Your Majeſty's Subjects, have reſolved to give and grant unto Your Majeſty the Sum of Five hundred thouſand Pounds, out of the Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund, towards the Supply granted to Your Majeſty for the Service of the Year One thouſand ſeven hundred and thirty nine; and alſo to enable Your Majeſty to iſſue and apply the further Sum of Five hundred thouſand Pounds, out of the growing Produce of the ſaid Sinking Fund, or to raiſe the ſame by Loans or Exchequer Bills, at an Intereſt not exceeding Three Pounds per Centum per Annum, to be charged upon and ſecured by the ſaid Fund, for the Service of the ſaid Year One thouſand ſeven hundred and thirty nine, in caſe the Exigency of Affairs ſhould require the ſame, in ſuch Manner and Form as is herein after mentioned; and to that End and Purpoſe do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That by or out of ſuch Monies as now are, or ſhall from time to time quarterly be, in the Receipt of the Exchequer of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called The Sinking Fund, at any time before the Feaſt Day of the Nativity of Saint John the Baptiſt, which ſhall be in the Year of our Lord One thouſand ſeven hundred and thirty nine (after paying or reſerving ſufficient to pay all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame) there ſhall and may be iſſued, paid, and applied a Sum not exceeding the ſaid Sum of Five hundred thouſand Pounds, for or towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and thirty nine; and the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, are hereby authorized and impowered to iſſue and apply the ſame accordingly. Preamble. Treaſury to iſſue out of the *Sinking Fund* 500,000 *l.*

II. And for or towards raiſing the ſaid further Sum or Sums of Money, not exceeding in the whole the ſaid Sum of Five hundred thouſand Pounds, it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer or any Three or more of the Commiſſioners of the Treaſury for the time being, and they are hereby authorized and impowered from time to time, at or after the ſaid Feaſt Day of the Nativity of Saint John the Baptiſt, to iſſue and apply the growing Produce of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund (except ſuch Monies of the ſaid Sinking Fund as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf) towards raiſing the ſaid further Sum of Five hundred thouſand Pounds, for or towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and thirty nine as aforeſaid; but in caſe the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the time being, ſhall think it more adviſeable to raiſe the ſaid Sum of Five hundred thouſand Pounds, or any Part thereof, by Loans or Exchequer Bills as aforeſaid, that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick and Corporate, and the growing Produce of the ſaid Fund, towards raiſing the further Sum of 500,000 *l.* for the Service of the Year 1739. or the ſaid Sum may be raiſed by Loans or Exchequer Bills.

to advance or lend to His Majesty, at the Receipt of His Majesty's Exchequer, any Sum or Sums of Money not exceeding the said Sum of Five hundred thousand Pounds, upon the Credit of the said Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund; and to have and receive for the Forbearance of the Money lent, Interest after a Rate not exceeding Three Pounds per Centum per Annum, so as such Loans be allowed to be made by the Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer or any Three or more of the Commissioners of the Treasury for the time being, who are hereby authorized to issue their Warrants for that Purpose as fast as such Loans shall be wanted for the publick Service; and moreover that no Money so to be lent upon the Security of this Act shall be rated or assessed to any Tax or Assessment whatsoever.

Lender to have Tallies and Orders.

III. And be it further enacted, That all and every Person and Persons who shall lend any Money upon the Credit of this Act as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and an Order for his, her, or their Repayment, bearing the same Date with his, her, or their Tally, in or upon which Order, shall be also contained a Warrant for Payment of Interest for the Forbearance thereof, not exceeding the said Rate of Three Pounds per Centum per Annum, and to be paid every Three Months, until the Repayment of the Principal; and all such Orders for Repayment of Money so to be lent shall be registred in Course according to the Dates respectively; and that all and every Person and Persons shall be paid in Course, according as their Orders shall stand registred in the said register Books, so as the Person or Persons, Natives or Foreigners, his, her, or their Executors, Administrators, or Assigns, who shall have his, her, or their Order or Orders first entered in the said Books of Register, shall be taken and accounted to be the first Person or Persons to be paid out of the Monies to come in of the said Surplusses, Excesses, and Overplus Monies; and he, she, or they, who shall have his, her, or their Order or Orders next entered, shall be taken and accounted to be the Second Person to be paid, and so successively and in Course; and that the Monies to come in of or for the said Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund, as aforesaid, shall be in the same Order liable to the Satisfaction of the said respective Persons, and Body or Bodies Politick or Corporate, their Executors, Administrators, Successors, or Assigns respectively, without undue Preference of one before another, and not otherwise; and shall not be diverted or divertible to any other Use, Intent, or Purpose whatsoever, other than such Uses and Purposes as are appointed by any other Act or Acts of Parliament in that Behalf as aforesaid; and that no Fee, Reward, or Gratuity directly or indirectly shall be demanded or taken of any of His Majesty's Subjects for providing or making of any such Books or Registers, or any Entries, Views, or Searches in or for Payment of Money lent, or the Interest thereof as aforesaid, by any of His Majesty's Officer or Officers, their Clerks, or Deputies, on Pain of Payment of treble Damages to the Party grieved by the Party offending, with full Costs of Suit; or if the Officer himself take or demand any such Fee or Reward, then to lose his Place also; and if any undue Preference of one before another be made either in point of Registry or Payment, contrary to the true Meaning of this Act, by any such Officer or Officers, then the Party offending shall be liable by Action of Debt or on the Case to pay the Value of the Debt with full Costs of Suit to the Party grieved, and shall be forejudged of his Office or Place; and if such Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and shall be for ever after incapable of his Office or Place; and in case the Auditor of the Receipt shall not direct the said Order of Loan, or the Clerk of the Pells record, or the Tellers make Payment upon such Order, according to each Persons due Place and Order as before directed, then he or they shall be adjudged to forfeit; and the respective Deputies and Clerks therein offending, to be liable to such Action, Debt, Damages, and Costs, in such Manner as aforesaid; all which said Penalties, Forfeitures, Damages, and Costs, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster; wherein no Essoign, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint shall be in any wise granted or allowed.

Orders and Payments to be in Course.

No undue Preference.

Officers to take no Fees.

Penalties

recoverable by Action of Debt.

What shall be interpreted no undue Preference.

IV. Provided always, and it is hereby declared, That if it shall happen that several Tallies of Loan or Orders for Payment as aforesaid, bear Date or be brought the same Day to the Auditor of the Receipt to be registred, then it shall be interpreted no undue Preference which of those be entered first, so as he enters them all the same Day.

V. Provided also, That it shall not be interpreted any undue Preference, to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay subsequent Orders, to Persons that come and demand their Monies, and bring their Orders, before other Persons that did not come to take their Monies, and bring their Orders in course; so as there be so much Money reserved as will satisfy precedent Orders, which shall not be otherwise disposed of, but kept for them, Interest upon Loan being to cease from the Time the Money is so reserved and kept in Bank for them.

Orders assignable.

VI. And be it further enacted, That all and every Person and Persons to whom any Money shall be due for Loans to be registred by virtue of this Act, after Order entered in the Book of Register as aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed and written upon his Order may assign or transfer his Right, Title, Interest, and Benefit of such Order, or any Part thereof, to any other; which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Registry aforesaid for Orders (which the Officers shall upon Request without Fee or Charge accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign again,

again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment, to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

VII. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the whole the said Sum of Five hundred thousand Pounds, to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills as is herein after mentioned, or by both or either of those Ways or Means, for the publick Service; be it further enacted by the Authority aforesaid, That in case the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall judge it more adviseable to raise the said Sum of Five hundred thousand Pounds, or any Part thereof, by Exchequer Bills instead of such Loans as aforesaid; that then they respectively are hereby authorized and impowered at any Time or Times to prepare and make, or cause to be prepared and made, at the Exchequer any Number of new Exchequer Bills for any Sum or Sums of Money, not exceeding in the whole the said Sum of Five hundred thousand Pounds together with such Loans as aforesaid, in the same or like Manner, Form, or Order, and according to the same or like Rules and Directions, as in and by a certain Act of Parliament for continuing the Duties on Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and thirty nine, are enacted and prescribed, concerning the Exchequer Bills to be made in pursuance of the same Act.

Treasury may raise the said Sum by issuing out new Exchequer Bills.

VIII. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said last mentioned Act relating to the Loans or Exchequer Bills authorized to be made by the same Act (except such Clauses as do charge the same on the Duties or Impositions granted or continued by the same Act) shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said Exchequer Bills had been originally authorized by the said last mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated or re-enacted in the Body of this present Act.

Clauses of the Malt Act, 1739, relating to Exchequer Bills, to extend to those of this Act.

IX. And be it enacted by the Authority aforesaid, That all the Exchequer Bills as shall be made in pursuance of this Act, and the Interest, Premium, Rate, and Charges incident to, or attending the same, shall be and are hereby charged and chargeable upon and shall be repaid and born by or out of the growing Produce of the said Surplusses, Excesses, or Overplus Monies commonly called The Sinking Fund (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any former or other Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such Exchequer Bills, Interest, Premium, Rate, or Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable on Demand to the respective Proprietors thereof.

The said Bills charged on the *Sinking Fund*.

X. Provided always, and be it enacted by the Authority aforesaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one Act of this Session of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and thirty nine; and so much Money (if any such be) of the Duties thereby granted and continued as shall arise or remain after all the Loans or Exchequer Bills made or to be made on the same Act, and all the Interest, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raising the said Duties, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one other Act of this Session of Parliament, intituled, An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and thirty nine; and so much Money (if any such be) of the Tax thereby granted as shall arise or remain after all the Loans or Exchequer Bills made or to be made on the same Act, and all the Interest, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raising the said Land Tax, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and also the Sum of One hundred nineteen thousand four hundred fifty one Pounds, seventeen Shillings, and nine Pence, granted for the Service of the Year One thousand seven hundred and thirty eight, and not applied for the Service of that Year; and the Sum of One Million by this Act granted as aforesaid, shall be further appropriated and applied, and are hereby appropriated, for and towards the several Uses, Intents, and Purposes herein after expressed, subject nevertheless to such Restrictions as are herein after prescribed; that is to say, It is hereby enacted and declared, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Eight hundred forty six thousand six hundred eighty nine Pounds, two Shillings, and six Pence, for or towards the Naval Services herein after more particularly expressed; that is to say, For or towards defraying the Charge of the Ordinary of His Majesty's Navy, and for Half-pay to Sea Officers, and for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed, and for and towards Sea Services in the Office of Ordnance performed and to be performed.

Application of the Supplies.

846,689 *l.* 2 *s.* 6 *d.* for Naval Services.

XI. And it is also hereby enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Ten thousand Pounds, upon Account, for or towards the Support of the Royal Hospital at Greenwich; and for the better Maintenance of the Seamen of the said Hospital worn out and become decrepit in the Service of their Country.

10,000 *l.* to *Greenwich* Hospital.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding

110,591 *l.* 17 *s.* 9 *d.* for the Office of Ordnance.

One hundred and ten thousand five hundred ninety one Pounds, seventeen Shillings, and nine Pence, for or towards defraying the Charge of the Office of Ordnance for Land Service performed and to be performed; and for defraying the extraordinary Expence of the Office of Ordnance for Land Services not provided for by Parliament.

XIII. And it is hereby likewise enacted, That out of all or any the Aids or Supplies provided, as aforesaid, there shall and may be issued and applied any Sum or Sums of Money, not exceeding Nine hundred and fifty thousand nine hundred and eleven Pounds, four Shillings, and nine Pence Halfpeny, for or towards maintaining His Majesty's Land Forces, and other Services herein after more particularly expressed; that is to say, Any Sum or Sums of Money, not exceeding Six hundred forty seven thousand five hundred forty nine Pounds, eleven Shillings, and three Pence Halfpeny, for defraying the Charge of Seventeen thousand seven hundred and four Men, including Commission and Non-commission Officers, and Invalids, for Guards, Garisons, and Six independent Companies for the Service of the Highlands, and other His Majesty's Land Forces in Great Britain, Guernsey, and Jersey, for the Year One thousand seven hundred and thirty nine; and any Sum or Sums of Money, not exceeding Two hundred twenty eight thousand sixty two Pounds, ten Shillings, and seven Pence Halfpeny, for maintaining His Majesty's Forces and Garisons in the Plantations, Minorca, and Gibraltar, and for Provisions for the Garisons at Annapolis Royal, Canso, Placentia, and Gibraltar, and Georgia, for the Year One thousand seven hundred and thirty nine; and any Sum or Sums of Money, not exceeding Twenty seven thousand one hundred seventy two Pounds, fifteen Shillings, and five Pence, upon Account for the Out-pensioners of Chelsea Hospital, for the Year One thousand seven hundred and thirty nine; and any Sum or Sums of Money, not exceeding Five thousand forty one Pounds, eight Shillings, and three Pence Halfpeny, for defraying several extraordinary Expences and Services incurred in the Year One thousand seven hundred and thirty eight, and not provided for by Parliament; and any Sum or Sums of Money, not exceeding Thirty nine thousand one hundred twenty four Pounds, nineteen Shillings, and two Pence, upon Account of Half-pay to the reduced Officers of His Majesty's Land Forces and Marines for the Year One thousand seven hundred and thirty nine, subject nevertheless to such Rules to be observed in the Application of the said Half-pay as are herein after prescribed concerning the same; and any Sum or Sums of Money, not exceeding Three thousand nine hundred and sixty Pounds, for paying of Pensions to Widows of such reduced Officers of His Majesty's Land Forces and Marines, as died upon the Establishment of Half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thousand seven hundred and sixteen, for the Year One thousand seven hundred and thirty nine; which said Sum of Three thousand nine hundred and sixty Pounds shall be issued to such Person or Persons, as His Majesty shall by Warrant or Warrants under His Royal Sign Manual direct or appoint to receive the same, to be by him or them paid over to such Widows of Half-pay Officers, or their Assigns, according to such Establishments, Lists, or other Directions, and with and subject to such Conditions, Qualifications, Deductions, or other Allowances for the same, as His Majesty by such and the like Warrant or Warrants shall be graciously pleased to direct or appoint.

950,911 *l.* 4 *s.* 9 *d.* halfpeny, for Land Forces. *i. e.*

647,549 *l.* 11 *s.* 3 *d.* halfpeny, for Guards and Garisons.

228,062 *l.* 10 *s.* 7 *d.* halfpeny, for the Plantations.

27,172 *l.* 15 *s.* 5 *d.* to *Chelsea* Hospital.

5,041 *l.* 8 *s.* 3 *d.* halfpeny, for extraordinary Expences.

39,124 *l.* 19 *s.* 2 *d.* for Half-pay.

3,960 *l.* to reduced Officers Widows.

XIV. And it is also hereby enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Three thousand five hundred and fifty two Pounds, eighteen Shillings, to replace to the Sinking Fund the like Sum paid out of the same, to make good the Deficiency of the additional Stamp Duties at Christmas, One thousand seven hundred and thirty seven, pursuant to a Clause in an Act of Parliament passed in the Fourth Year of His Majesty's Reign, for raising One million two hundred thousand Pounds by Annuities and a Lottery, for the Service of the Year One thousand seven hundred and thirty one; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to replace to the said Sinking Fund the like Sum paid out of the same to the Governor and Company of the Bank of England for One Year's Interest due on or before the Eighth Day of September, One thousand seven hundred and thirty eight, being after the Rate of Four Pounds per Centum on the Principal Sum of Five hundred thousand Pounds by them lent on the Credit of the Salt Duties towards the Supply of the Year One thousand seven hundred and thirty five, pursuant to a Clause in an Act of Parliament passed in the Eighth Year of His Majesty's Reign, for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years; and any Sum or Sums of Money not exceeding Ten thousand Pounds, towards the Maintenance of the British Forts and Settlements belonging to the Royal African Company of England on the Coast of Africa; and any Sum or Sums of Money not exceeding Four thousand Pounds, towards repairing and finishing the Collegiate Church of Saint Peter, Westminster, and to enable the Dean and Chapter of the said Collegiate Church, to purchase Two Prebendal Houses, in lieu of Two to be taken down for facilitating the Repairs, and the finishing of the said Church; and any Sum or Sums of Money not exceeding Two thousand Pounds, for the further repairing and finishing the Tower and Roof of the Parish Church of Saint Margaret, Westminster; and there shall and may be issued to the Trustees for establishing the Colony of Georgia in America, any Sum or Sums of Money not exceeding Twenty thousand Pounds, by them to be applied for the further settling and improving the said Colony; and any Sum or Sums of Money, not exceeding Seventy thousand five hundred eighty three Pounds, six Shillings, and eight Pence, on Account of the Levy-money and Subsidy payable to the King of Denmark, pursuant to the Treaty bearing Date the $\frac{30}{19}$th Day of March, One thousand seven hundred and thirty $\frac{8}{9}$; for the Year One thousand seven hundred and thirty nine; and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, towards enabling His Majesty to make such further Augmentation of His Forces either by Sea or Land, as may become absolutely necessary, and as the Exigency of Affairs may require; and the Sum of Sixty thousand Pounds, being the Sum acknowledged to be due from Great Britain to Spain, and agreed by the King of Spain in the Convention

3,552 *l.* 18 *s.* for Deficiency of the Stamp Duties.

20,000 *l.* to the Sinking Fund.

10,000 *l.* for the *African* Forts.

4000 *l.* to *Westminster Abby.*

2000 *l.* to St. *Margaret's* Church.

20,000 *l.* to the Colony of *Georgia.*

70,583 *l.* 6 *s.* 8 *d.* Subsidy to the King of *Denmark.*

500,000 *l.* for the Augmentation of Forces.

60,000 *l.* and 95,000 *l.* Satisfaction for the *Spanish* Depredations.

tion

tion between Great Britain and Spain, bearing Date at the Pardo the Fourteenth Day of January, One thouſand ſeven hundred and thirty nine New Stile, to be applied, together with the further Sum of Ninety five thouſand pounds, to be advanced by the Crown of Spain, towards making Satisfaction to His Majeſty's injured Subjects, for the Damages they have ſuſtained by the Depredations of the Spaniards; and any Sum or Sums of Money not exceeding Five thouſand Pounds for making Satisfaction to Solomon Merrit of London Merchant, for himſelf and others late Owners of the Ship Santa Iſabella, a Spaniſh Man of War, taken by his late Majeſty's Fleet near Sicily, in the Year One thouſand ſeven hundred and eighteen, and ſold to them; which Ship was afterwards delivered up to the Spaniards, purſuant to a Treaty between the Two Crowns.

5,000 *l.* Satisfaction to *Solomon Merrit.*

XV. And be it enacted, That the ſaid Aids or Supplies provided as aforeſaid ſhall not be iſſued or applied to any Uſe, Intent, or Purpoſe whatſoever, other than the Uſes and Purpoſes before mentioned, or for the ſeveral Deficiencies or other Payments directed to be ſatisfied thereout by any particular Clauſe or Clauſes for that Purpoſe contained in any other Act or Acts of this preſent Seſſion of Parliament.

The Aids not to be misapplied.

XVI. And as to the ſaid Sum of Thirty nine thouſand one hundred twenty four Pounds, nineteen Shillings, and two Pence, by this Act appropriated on Account of Half-pay as aforeſaid; it is hereby enacted and declared by the Authority aforeſaid, That the Rules herein after preſcribed ſhall be duly obſerved in the Application thereof; that is to ſay, That no Perſon ſhall have or receive any Part of the ſame who was a Minor and under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he ſerved was reduced; that no Perſon ſhall have or receive any Part of the ſame except ſuch Perſons who did actual Service in ſome Regiment, Troop, or Company; that no Perſon having any other Place or Employment of Profit civil or military under His Majeſty, ſhall have or receive any Part of the ſaid Half-pay; that no Chaplain of any Gariſon or Regiment who has any Eccleſiaſtical Benefice in Great Britain or Ireland, ſhall have or receive any of the ſaid Half-pay; that no Perſon ſhall have or receive any Part of the ſame who hath reſigned his Commiſſion, and has had no Commiſſion ſince; that no Part of the ſame ſhall be allowed to any Perſon by virtue of any Warrant or Appointment, except to ſuch Perſons who would have been otherwiſe intitled to the ſame as reduced Officers; and that no Part of the ſame ſhall be allowed to any of the Officers of the Five Regiments of Dragoons and Eight Regiments of Foot lately disbanded in Ireland, except to ſuch as were lately taken off the Eſtabliſhment of Half-pay in Great Britain.

Rules for the Application of Half-pay.

XVII. And whereas by an Act of Parliament made in the Eleventh Year of His Majeſty's Reign, intituled, *An Act for granting to His Majeſty the Sum of Two Millions for the Service of the Year One thouſand ſeven hundred and thirty eight; and for paying to the Governor and Company of the Bank of* England, *One Million, for redeeming an Annuity of Forty thouſand Pounds payable to them, and for the further appropriating the Supplies granted in this Seſſion of Parliament*; ſeveral Supplies which had been granted to His Majeſty as is therein mentioned, were appropriated to ſeveral Uſes and Purpoſes therein expreſſed, amongſt which any Sum or Sums of Money not exceeding Forty one thouſand nine hundred fifty nine Pounds, fifteen Shillings, and ten Pence, was appropriated to be paid to the reduced Officers of His Majeſty's Land-forces and Marines, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half-pay, as in and by the aforeſaid Act were preſcribed in that Behalf; now it is hereby provided, enacted, and declared by the Authority aforeſaid, That ſo much of the ſaid Sum of Forty one thouſand nine hundred fifty nine Pounds, fifteen Shillings, and ten Pence, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers according to the Rules by the ſaid Act preſcribed to be obſerved in the Application thereof, or any Part of ſuch Overplus, ſhall or may be diſpoſed of to ſuch Officers who are maimed or loſt their Limbs in the late Wars, or ſuch others as by reaſon of their long Service, or otherwiſe, His Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrant or Warrants under His Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf; any thing in this Act or the ſaid former Act to the contrary notwithſtanding.

The Overplus of laſt Year's Half-pay how to be applied.

XVIII. And, for the Relief of any Perſon or Perſons who through Neglect or Inadvertency have omitted to pay the ſeveral Rates and Duties, or any Part thereof, upon Monies given, paid, contracted, or agreed for, with or in relation to any Clerk, Apprentice, or Servant, which hath been put or placed to or with any Maſter or Miſtreſs, to learn any Profeſſion, Trade, or Employment, and to have ſuch Indentures, or other Writings which ſhall contain the Covenants, Articles, Contracts, or Agreements relating to the Service of ſuch Clerk, Apprentice, or Servant, ſtamped within the Times by the ſeveral Acts of Parliament for thoſe Purpoſes reſpectively limited, or who have alſo in like Manner omitted to inſert and write in Words at length in ſuch Indentures or other Writings as aforeſaid the full Sum or Sums of Money or any Part thereof received, or in any wiſe directly or indirectly given, paid, agreed, or contracted for, with, or in relation to every ſuch Clerk, Apprentice, or Servant as aforeſaid; be it enacted by the Authority aforeſaid, That upon Payment of the Rates and Duties upon Monies or ſuch Part of ſuch Monies ſo neglected or omitted to be paid as aforeſaid, on or before the Firſt Day of Auguſt, One thouſand ſeven hundred and thirty nine, to ſuch Perſon or Perſons to whom the ſame ought to be paid, and tendring the ſaid Indentures or other Writings to be ſtamped at the ſame Time, or at any Time on or before the Twenty ninth Day of September, One thouſand ſeven hundred and thirty nine (of which timely Notice is to be given in the London Gazette) the ſame Indentures or other Writings ſhall be good and available in Law or Equity, and may be given in Evidence in any Court whatſoever; and the Clerk, Apprentice, or Servant therein named ſhall be capable of following and exerciſing their reſpective intended Trades or Employments, as fully as if the ſaid Rates and Duties ſo omitted had been duly paid, and the full Sum or Sums received or agreed for as aforeſaid had been inſerted; and the Perſons who have incurred any Penalties by the Omiſſions aforeſaid, ſhall be acquitted and diſcharged of and from the ſaid Penalties; any thing in this or the ſaid former Acts to the contrary in any wiſe notwithſtanding.

Clauſe in favour of Perſons who have inadvertently omitted to pay the Duties on taking Apprentices, &c.

CAP. XX.

CAP. XX.

An Act for enlarging the Term and Powers granted by Two Acts of Parliament, one made in the Sixth Year of the Reign of her late Majesty Queen *Anne*, and the other in the Seventh Year of the Reign of his late Majesty King *George* the First, for repairing and enlarging the Highways between the Top of *Kingsdown-hill*, and the City of *Bath*; and for amending several other Highways leading to the said City; and for cleansing, paving, and enlightening the Streets, and regulating the Chairmen there; and for keeping a regular Nightly Watch within the said City and Liberties thereof.

Preamble reciting the Acts 6 *Annæ*, not printed.

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for repairing, amending, and enlarging the Highways between the Top of* Kingsdown-hill, *and the City of* Bath, *and also several other Highways leading to and through the said City; and for cleansing, paving, and lightening the Streets, and regulating the Chairmen there*; several Tolls, Duties, and Powers were granted and given for repairing the said Highways; which Act was to take place and be in Force for the Term of One and twenty Years, to be accounted from the passing of the said Act: And

7 *Geo.* I. *c.* 19. whereas by another Act passed in the Seventh Year of the Reign of his late Majesty King *George* the First, for continuing the said Act made in the Sixth Year of the Reign of her said late Majesty Queen *Anne*, and for explaining and making the said Act more effectual, it was enacted, That the said Act passed in the Sixth Year of the Reign of her late Majesty Queen *Anne*, and the Rates, Tolls, and Duties thereby granted and made payable, and all and every Article, Rule, Clause, Matter, and Thing therein contained (except as in and by the said Act passed in the Seventh Year of his said late Majesty's Reign is excepted) should continue, remain, and be in full Force, for and during the further Term of One and Twenty Years, to be computed from the First Day of *May*, One thousand seven hundred and twenty one, for the several Purposes expressed and declared in the said recited Acts: And whereas the Money borrowed and collected by the Tolls and Duties granted, continued, and made payable by virtue of the said recited Acts, have been duly laid out and applied according to the Directions thereof, and great Progress has been made in amending of the Highways directed to be repaired by the before-mentioned Acts; and there now remains due and owing on the Credit of the said Acts, the Sum of Four hundred Pounds or thereabouts; which said Sum cannot be discharged and the Highways effectually amended and kept in good repair, according to the Intent of the said Two former Acts, unless the Terms, Tolls, and Powers thereby granted be further continued, and the said Acts made more effectual: And whereas the Roads or Highways leading from the Top of *Old-down* alias *Odd-down*, to *Dunkerton-bridge*, and from the Top of *Claverton-down* alias *Clarton-down*, to *New-bridge*, over *Camber-*

13 *Geo.* I. *c.* 12. *brook*, are in the Winter Season very bad and ruinous: And whereas an Act passed in the Thirteenth Year of the Reign of his late Majesty King *George* the First, for amending the several Roads leading from the City

4 *Geo.* II. *c.* 22. of *Bristol* (which said Act was explained and amended by another Act passed in the Fourth Year of the Reign of His present Majesty) whereby Provision is made for amending so much of the Road or Highway leading from the said City of *Bath* to the said City of *Bristol*, as lies between *Avon-bridge* and the *Globe Inn*, in the Parish of *Newton-saint-loe* in the County of *Somerset*; but neither of the said last mentioned Acts have yet been, or are likely to be put in Execution, so that the said last mentioned Road or Highway remains in as bad and ruinous Condition as it was before the passing of the said last mentioned Acts: And whereas the said additional Roads or Highways leading from the Top of *Old-down*, alias *Odd-down* and *Dunkerton-bridge*, and from the Top of *Claverton-down*, alias *Clarton-down*, to *New-bridge*, over *Camber-brook*, and leading from *Avon-bridge* to the *Globe Inn* in the said Parish of *Newton-saint-loe*, join to some of the Highways mentioned and described in the Two first mentioned Acts, or One of them; but the said additional Roads or Highways cannot by the ordinary Course appointed by the Laws now in Being for repairing the Highways of this Kingdom be amended, unless some further Provision be made for repairing the same, *&c.*

The two first mentioned Acts are further continued for 21 *Years, and to the End of the next Session*, &c.

CAP. XXI.

An Act for taking off the Duties upon Wollen and Bay Yarn imported from *Ireland* to *England*, and for the more effectual preventing the Exportation of Wooll from *Great Britain*, and of Wooll, and Wooll manufactured, from *Ireland* to Foreign Parts.

Preamble.

MOST gracious Sovereign: Whereas in the Book of Rates annexed to the Act of Tonnage and Poundage, made in the Twelfth Year of the Reign of King *Charles* the Second, a particular Rate of Three Pounds, Six Shillings, and Eight Pence, for every Hundred Weight, containing One hundred and twelve Pounds, was fixed upon Woollen or Bay Yarn imported; according to which Rate a Subsidy of Twelve Pence in the Pound was thereby payable to His Majesty: And whereas according to the said Rate a further Subsidy of Poundage of Twelve Pence in the Pound on Woollen or Bay Yarn was granted to Your Majesty for Your Life (which God long preserve) by an Act made in the First Year of Your Reign: And whereas by an Act made in the Second Year of her late Majesty Queen *Anne*, another Subsidy was granted on the Importation of Woollen or Bay Yarn in Proportion to the said Rate, commonly called, *The One third Subsidy*; and by an Act passed in the Third Year of her late Majesty, another Subsidy was granted on the Importation of Woollen or Bay Yarn, commonly called, *The two thirds Subsidy*; all which Acts, which granted the said several Subsidies commonly called, *The Old Subsidy*, *One third Subsidy*, and *Two thirds Subsidy* (except the Act for the said further Subsidy, which is granted to Your Majesty during Your Life) are by several subsequent Acts of Parliament continued for ever, subject to Redemption by Parliament: And whereas the taking off the Duties upon Woollen or Bay Yarn imported from *Ireland*, may be a Means to prevent the exporting Wooll and Woollen Manufactures from *Ireland* to Foreign Parts, and may be of Use to the Manufactures of *Great Britain*; **we Your Majesty's most dutiful and loyal Subjects, the Commons of** Great Britain **in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the**

Duties on Woollen or Bay Yarn from *Ireland* taken off.

First Day of May, **in the Year of our Lord One thousand seven hundred and forty, the said several Subsidies payable to Your Majesty, Your Heirs, and Successors, by any Law now in Force, upon Woollen or Bay Yarn imported from** Ireland **after that time shall cease and determine, and be no longer payable.**

II. **And to the End that His sacred Majesty, nor any of the publick Creditors, or other Person or Persons, Bodies Politick or Corporate, who are intitled to any Part, Share,**

or Intereſt in the Monies ariſing by the ſaid Duties on Bay Yarn and Woollen Yarn imported into this Kingdom from the Kingdom of Ireland, as aforeſaid, may ſuffer by the ceaſing and determining thereof; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of His Majeſty's Treaſury now being, or the High Treaſurer or any Three or more of the Commiſſioners of the Treaſury for the time being, and they are hereby enjoined and required, on or before the Twenty fifth Day of December, in the Year of our Lord One thouſand ſeven hundred and thirty nine, to cauſe an Account to be made up and ſtated of the Monies which ſhall have ariſen by the ſaid Duties on Bay Yarn and Woollen Yarn for Seven Years laſt paſt. Treaſury to make an Account of the ſaid Duties for the laſt 7 Years,

III. And it is hereby further enacted, That the Medium of the Monies which have ariſen by the ſaid Duties within the ſaid Seven Years, ſhall be a certain annual Sum to be charged on the Fund called the Aggregate Fund; and being ſo charged, ſhall from time to time be iſſued, paid, diſtributed, and applied to make good to His Majeſty, during His natural Life (which God long preſerve) and to the ſeveral publick Creditors, or other Perſon or Perſons, Bodies Politick or Corporate, having Intereſt or Security in the Monies ariſing by the ſaid Duties on Bay Yarn and Woollen Yarn, the like Parts, Shares, or Proportions out of the ſaid annual Sum, as the Monies ariſing by the ſaid Duties on Bay Yarn and Woollen Yarn would have been appropriated and applied, in caſe the ſaid Duties had been continued, and not been determined by this Act. the Medium whereof to be charged annually on the Aggregate Fund.

IV. Provided nevertheleſs, That nothing in this Act contained ſhall extend, or be conſtrued to extend to take off, or cauſe to ceaſe and determine the Duties upon Worſted Yarn, being of Two or more Threads twiſted or thrown, or Cruel, imported into Great Britain from the Kingdom of Ireland. Proviſo.

V. And whereas notwithſtanding the ſeveral Laws made to prevent the Exportation of Wooll unmanufactured from this Kingdom and *Ireland* to foreign Parts, ſuch Exportation is notoriouſly continued; now for the better preventing ſuch Exportation of Wooll from thence, and ſecuring the ſame to be manufactured within this Kingdom; be it further enacted by the Authority aforeſaid, That all Wooll, and Woollen or Bay Yarn, Wooll-fells, Shortlings, Noyls, Wooll-flocks, Worſted Yarn, Cloth, Serge, Bays, Kerſeys, Says, Frizes, Druggets, Cloth-ſerges, Shalloons, Stuffs, and other Draperies and Woollen Manufactures, or mixed with Wooll or Wooll-flocks, which ſhall from time to time be exported from the ſaid Kingdom of Ireland, from and after the Firſt Day of May, in the Year of our Lord One thouſand ſeven hundred and forty, into the Ports of this Kingdom hereafter mentioned, ſhall be ſhipped off, and entered at the Ports of Dublin, Waterford, Youghall, Kinſale, Cork, Drogheda, New Roſs, Newry, Wexford, Wicklow, Sligoe, Limerick, Galway, and Dundalk, in the ſaid Kingdom of Ireland, and at or from no other Port or Place within the ſaid Kingdom; nor ſhall the ſame be imported into any Parts of the Kingdom of Great Britain, other than the Ports of Biddeford, Barnſtaple, Minehead, Bridgewater, Briſtol, Milford-haven, Cheſter, and Liverpool, in the ſame Manner, as if the ſaid Ports of Newry, Wexford, Wicklow, Sligoe, Limerick, Galway, and Dundalk, had been particularly named for Exportation of the ſaid Goods, in the Act paſſed in the Tenth and Eleventh Year of the Reign of the late King William the Third, intituled, An Act to prevent the Exportation of Wooll out of the Kingdom of *Ireland* and *England*, and for other Purpoſes therein mentioned; any thing in this or any other Act to the contrary thereof in any wiſe notwithſtanding. Ports of Exportation of Wooll in *Ireland*, and Importation in *England*.

VI. And the better to prevent the Exportation of Wooll or Woollen Yarn, and the other Species of Wooll or Woollen Manufactures before mentioned, from Ireland into foreign Parts, be it further enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of December, in the Year of our Lord One thouſand ſeven hundred and thirty nine, no Wooll, or any of the ſaid Goods, ſhall be loaden or laid on board any Ship, Veſſel, or Boat in Ireland, or imported or brought from thence into this Kingdom, but in ſuch Ships, Veſſels, or Boats, as ſhall be of the Built of Great Britain or Ireland, and which ſhall be wholly owned and manned by the Subjects of this Kingdom, or Ireland, and duly regiſtred in ſuch Manner and Form as herein after mentioned; under the Penalty of the Forfeiture of the ſaid Goods, or the Value thereof, as alſo of the Ship, Veſſel, or Boat, in which the ſame ſhall be laden or put on board, together with all her Guns, Ammunition, Tackle, Apparel, and Furniture. Wooll to be exported in Veſſels only of the Built of *Great Britain* or *Ireland*.

VII. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, no Ship or Veſſel whatſoever ſhall be deemed or paſs as a Ship of the Built of Great Britain or Ireland, ſo as to be qualified to load or take on board in any of the Ports of Ireland, herein appointed for that Purpoſe, any Wooll, Woollen or Bay Yarn, or other the Species before mentioned, in order to import or bring the ſame into the Ports of Great Britain, in this Act mentioned and appointed for that Purpoſe, until the Perſon or Perſons claiming Property in ſuch Ship or Veſſel, ſhall regiſter the ſame as followeth (that is to ſay) Proof ſhall be made upon the Oath, or Affirmation in caſe the Perſon be a Quaker, of One or more of the Owners of ſuch Ship or Veſſel, before the Collector and Comptroller of His Majeſty's Cuſtoms in ſuch Port of Great Britain or Ireland reſpectively, to which ſuch Ship or Veſſel ſhall belong; which Oath or Affirmation the ſaid Officers of the Cuſtoms reſpectively are hereby authorized to adminiſter in the Tenor following; that is to ſay, Ships how to be qualified for loading Wooll.

I *A. B.* do make Oath (or, being a *Quaker*, do ſolemnly affirm) that the Ship of whereof is at preſent Maſter being built of Tons, was built at in the Year and that of and of are at preſent Owners thereof; and that no Foreigner, directly or indirectly hath any Share, Part, or Intereſt therein.

A Certificate of which Oath or Affirmation, atteſted by the Collector and Comptroller of the Cuſtoms who adminiſter the ſame, under their Hands and Seals, ſhall, after having been regiſtred by them, be delivered to the Maſter of the Ship for the Security of her Navigation; a Duplicate of which Regiſter ſhall be immediately tranſmitted to the

Commiſſioners of His Majeſty's Cuſtoms in the Port of London, in order to be entered in the general Regiſter, to be there kept by them for this Purpoſe.

Ship's Name not to be altered, without regiſtring the ſame again,

VIII. And be it further enacted by the Authority aforeſaid, That no Ship's Name regiſtred ſhall be afterwards changed, without regiſtring ſuch Ship again, which is hereby required likewiſe to be done upon any Transfer of Property to another Port, and delivering up the former Certificate to be cancelled, under the ſame Penalties, and in the like Method, as is herein before directed: And that in caſe any Alteration of Property in the ſame Port, by the Sale of One or more Shares in any Ship, after regiſtring thereof, ſuch Sale ſhall always be acknowledged by Indorſement on the Certificate of the Regiſter, before Two Witneſſes, in order to prove that the intire Property in ſuch Ship remains to ſome of the Subjects of Great Britain or Ireland, if any Diſpute ariſes concerning the ſame.

and Alteration of Property to be indorſed.

IX. And whereas great Quantities of Wooll have been clandeſtinely exported under the Denomination of Coverlids, Waddings, and other Manufactures made of Wooll, whereas the ſame was only Wooll ſlightly wrought, or ſtitched together, and may be reduced to Wooll again, by which Practice the unfair Traders have evaded the good Laws made to prevent the Exportation of Wooll; for preventing the like Practices for the future, be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, no Coverlids, Waddings, or other Manufactures, or pretended Manufactures, made of Wooll ſlightly ſtitched, worked, or otherwiſe put together, ſo as the ſame may be reduced to, and made uſe of as Wooll again, or Wattraſſes, or Beds ſtuffed with combed Wooll, or Wooll fit for combing, ſhall be exported from Great Britain or Ireland to Parts beyond the Seas, under the like Penalties and Forfeitures which are by any Law in Being inflicted on Perſons concerned in the Exportation of Wooll.

Penalty on exporting Wooll ſlightly wrought.

Wooll in what to be packed up.

X. And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, no Wooll, Woolli-fells, Worſtlings, Shorſtlings, Wooll-flocks, Worſted, Bay or Woollen Yarn, ſhall be packed up in Great Britain or Ireland, in any Box, Barrel, Cask, Caſe, Cheſt, or any other Package, but in Packs or Truſſes of Leather or Canvas commonly called Packcloth; and all ſuch Packs or Truſſes of Leather or Canvas ſhall be ſtamped or marked on the Outſide thereof with the reſpective Words WOOLL or YARN, in large Letters, not leſs than Three Inches in Length, under the Penalty and Forfeiture of all ſuch Wooll, or other the Goods aforeſaid, with the Package thereof, and Three Shillings for every Pound Weight thereof, to be paid by the Owner or Packer of ſuch Wooll or Yarn.

No Wooll to be exportedbut upon Notice given to the Commiſſioners of the Cuſtoms, &c.

XI. And for preventing any fraudulent Tranſportation of Wooll, Wooll-fells, Worſtlings, Shorſtlings, combed Wooll, Woollen or Bay Yarn, Worſted Yarn, Cruels, or Wooll ſlightly manufactured, under the Pretence of carrying the ſame Coaſtwiſe in Great Britain or Ireland; be it further enacted by the Authority aforeſaid, That no Wooll, Wooll-fells, Worſtlings, Shorſtlings, combed Wooll, Woollen or Bay Yarn, Worſted Yarn, Cruel, or Wooll ſlightly manufactured as aforeſaid, ſhall from and after the ſaid Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, be put or laden on board any Ship, Veſſel, or Boat, bound to Parts beyond the Seas, or ſhall be carried or laden in order to be carried in any Ship, Veſſel, Bottom, or Boat coaſtwiſe, or from one Port of Great Britain or Ireland to another, unleſs Notice be firſt given to the Commiſſioners or chief Managers of the Cuſtoms, or to the Cuſtomer or Collector and Comptroller of the Port from which the ſame is intended to be ſent or exported, of the Quantity, Quality, and Package, together with the Marks and Numbers thereof, with the Name of the Ship and Maſter or Commander on which the ſaid Goods are to be laden, as likewiſe the Name or Names of the Owner or Owners of the ſaid Goods, and the Place of his or their Abode or Habitation, and the Place and Port into which the ſame are intended to be imported, and to whom conſigned; and unleſs Bond be firſt entered into to the Uſe of His Majeſty, His Heirs, and Succeſſors, with One or more ſufficient Securities, in treble the Value of the Goods ſo intended to be carried coaſtwiſe, that the ſame ſhall (the Danger of the Seas excepted) be landed accordingly; due Notice whereof ſhall be forthwith tranſmitted by the Cuſtomer or Collector and Comptroller of the Port from whence the ſame ſhall be exported, to the Cuſtomer or Collector and Comptroller of the Port into which the ſame is intended to be imported, and Entry made, in the Manner required by this or any other Act; and unleſs a Licence be alſo firſt taken under the Hands of the Commiſſioners or chief Managers of the Cuſtoms for the time being, or any Three of them, or from the Cuſtomer or Collector and Comptroller where ſuch Bond is given for the landing and carrying thereof as aforeſaid; which Licence they are hereby required to grant without any Fee or Reward, or any other Charge to the Perſon demanding the ſame; any Law, Statute, or Uſage to the contrary in any wiſe notwithſtanding: And all ſuch Bonds ſo entered into for the carrying ſuch Goods coaſtwiſe in Great Britain or Ireland, ſhall not be diſcharged, but by producing a Certificate under the Hand and Seal of the Cuſtomer or Collector and Comptroller of the Port or Place in Great Britain or Ireland where ſuch Goods were landed, ſetting forth the Quantity, Quality, and Package, together with the Marks and Numbers thereof, with the Name of the Ship and Maſter out of which ſuch Goods were landed; and that all ſuch Bonds as ſhall remain undiſcharged by ſuch Certificate after Six Months, ſhall be tranſmitted to the Commiſſioners of the Cuſtoms in Great Britain, or the Commiſſioners of the Revenue in Ireland, who are hereby required to put them in Suit immediately: And if any Wooll, Wooll-fells, Worſtlings, Shorſtlings, combed Wooll, Woollen or Bay Yarn, Worſted Yarn, Cruels, or Wooll ſlightly manufactured, ſhall be carried or laden on board any Ship, Veſſel, Bottom, or Boat, in order to be carried coaſtwiſe, or from one Port to another Port, before ſuch Bond entered into, and ſuch Licence taken out as aforeſaid, and before all the Directions of this and every other Act made to prevent the Tranſportation of any of the Goods aforeſaid ſhall be fully and duly complied with, ſo far as the ſame relate to the Exporter or Proprietor of ſuch Goods; or if any of the ſaid Goods ſhall be laden on board any Ship, Veſſel, or Boat, bound to Parts beyond the Seas; then all ſuch Goods as ſhall be ſo carried and laden, or the Value thereof, ſhall be forfeited and loſt, together with the Ship, Veſſel, Bottom, or Boat,

Security for the landing it,

and a Licence taken.

Bonds not to be diſcharged, but upon producing a Certificate.

Forfeiture on Default.

on

on which such Goods shall be so laden or put on board, with all her Guns, Ammunition, Tackle, Apparel, and Furniture.

XII. Provided nevertheless, That nothing herein contained shall extend or be construed to extend to alter or lessen any other Security now required by Law for Goods carried coastwise, or to repeal or make void any Law now in Force in Great Britain or Ireland made to prevent the Exportation of Wooll, or any the Goods or Commodities aforesaid. No other Security hereby lessened, or Law voided.

XIII. And for the better preventing Frauds that may be practised in the collusive landing any Wooll or Woollen Yarn from Ireland, or in the shipping or landing any of the said Goods carried coastwise; be it further enacted by the Authority aforesaid, That from and after the said Twenty fifth Day of December, One thousand seven hundred and thirty nine, none of the said Goods imported into this Kingdom from Ireland, nor any of the said Goods carried coastwise within this Kingdom or Ireland, shall be landed or shipped, but in the Presence of the proper Officers appointed to attend the same, nor at any other Place or Places, than the lawful Quays set out in the Manner prescribed by the Act of Frauds, passed in the Fourteenth Year of King Charles the Second, for England, Wales, and Berwick upon Tweed, and by the Act passed in the Sixth Year of the Reign of her late Majesty Queen Anne, for settling a Court of Exchequer in Scotland, for that Part of the United Kingdom, without special Sufferance and Leave had from the Commissioners and Officers of the Customs, or at such Quays in Ireland as are or shall be appointed according to the Laws of that Kingdom, on Pain of forfeiting the said Goods, or the Value thereof, and Three Shillings for every Pound Weight of such Goods, to be paid by the Owner or Proprietor thereof, or any Person concerned in such unlawful shipping or landing, to be prosecuted and recovered as hereafter is directed; any Law, Custom, or Usage to the contrary notwithstanding. Wooll before whom, and where to be landed.

XIV. And in order to prevent any fraudulent Practices by Officers or other Persons in making collusive Seizures, or by entering Informations, and making private or secret Agreements, whereby may be evaded any of the Forfeitures or Penalties inflicted by Law to prevent the transporting out of this Kingdom any Wooll, Wooll-fells, Wooll-flocks, Worstlings, Shorstlings, Worsted, Bay or Woollen Yarn, Fullers-earth, Fulling-clay, Tobacco-pipe-clay, or any other scouring Clay or Earth, or to prevent the illegal transporting out of Ireland any of the said Goods, or of Cloth, Serge, Bays, Kerseys, Says, Frizes, Druggets, Cloth-serges, Shalloons, or any other Drapery Stuffs, or Woollen Manufactures whatsoever, made up or mixed with Wooll or Wooll-flocks; be it further enacted by the Authority aforesaid, That it shall not be lawful for any Person or Persons whatsoever, other than the Officers of some or one of the Revenues of Customs or Excise or Salt-duties, to enter any Information of Seizure of any Wooll, Wooll-fells, or other Species of Goods before enumerated, as forfeited by virtue of this or any other Act; nor shall it be lawful for any Person or Persons whatsoever, to enter, or cause or procure to be entered, filed, or prosecuted, any Information or Informations against any Person or Persons for the Recovery of any Penalty or Forfeiture aforesaid, unless such Information or Informations be filed and prosecuted in the Name of His Majesty's Attorney General, or in the Name or Names of some Officer or Officers of some or one of the aforesaid Revenues of Customs, Excise, or Salt-duties in Great Britain or Ireland; and if any Information of Seizure of any of the Goods before mentioned shall be made or prosecuted by any Person or Persons whatsoever, other than in the Name of the Attorney General, or in the Name of some Officer of His Majesty's Revenue as aforesaid; the same, and all the Proceedings thereupon had, are hereby declared to be null and void; as is also every other Information or Informations, with all the Proceedings thereon, which shall be filed or entered for any of the Penalties aforesaid, in the Name or Names of any other Person or Persons than as herein before mentioned; any Law or Custom to the contrary notwithstanding. None but Officers to enter Informations of Seizures; to be prosecuted in the Attorney General's or their Names, only.

XV. Provided nevertheless, That nothing in this Act contained shall extend or be construed to extend to take away the Power given to the Commanders and Officers of His Majesty's Ships of War or the armed Sloops appointed or to be appointed by the Lords Commissioners of the Admiralty, or the Lord High Admiral for the time being, to guard against the Transportation of Wooll out of the Kingdom of Great Britain or Ireland, pursuant to an Act made in the Tenth and Eleventh Year of King William the Third, intituled, An Act to prevent the Exportation of Wooll out of the Kingdoms of *Ireland* and *England*, and for the Encouragement of the Woollen Manufactures of the Kingdom of *England*; and another Act passed in the Fifth Year of His present Majesty's Reign, intituled, An additional Act for Encouragement of the Woollen Manufactures of this Kingdom, by the more effectual preventing the unlawful Exportation of the Woollen Manufactures of the Kingdom of *Ireland* to Foreign Parts, or by any other Act. This Act not to take away the Power of the King's Guard-ships.

XVI. And be it further enacted by the Authority aforesaid, That if any Officer of the Revenue shall directly or indirectly make any collusive Seizure or Information of any of the said Goods, or any fraudulent or collusive Agreement whatsoever, whereby the Owner or Claimer thereof, their Agents or Servants, may avoid the Forfeitures and Penalties, or any Part thereof, incurred by this or any other Act made to prevent the Transportation of Wooll, or any of the other Species of Goods before mentioned; he shall for such Offence forfeit the Sum of Two hundred Pounds, and also be rendered incapable of serving His Majesty in any Office or Employment in the Revenue; and also the Exporters, Importers, and Owners of the Goods so collusively seized, or with whom such collusive Agreement shall be made, shall forfeit treble the Value thereof; and all such Penalties and Forfeitures shall be to the Use of him or them who shall inform or sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland, or in any of His Majesty's Courts of Record at Dublin; wherein no Essoign, Protection, or Wager of Law, or any more than one Imparlance shall be allowed. Penalties for collusive Seizures, on Officer, and Owner, to go to the Informer.

XVII. Provided nevertheless, That any Person whatsoever concerned in any such collusive or fraudulent Seizure or Agreement, who shall first discover such his Offence to the Commissioners of the Customs in England or Scotland for the time being, or the Commissioners of the Revenue in Ireland for the time being respectively, shall be clearly acquitted and Encouragement to Offenders to discover their Accomplices.

discharged thereof, provided he makes such Discovery within the Space of Three Months after the Offence shall have been committed, and so as any One or more of his Accomplices therein be convicted thereof; and if such Person first making such Discovery as aforesaid within the time aforesaid be not an Officer of the Revenue, or Owner of the Goods, he shall as a further Encouragement for making such Discovery have and receive to his own Use and Benefit the whole Money which on the Conviction or Convictions of such Offender or Offenders shall be recovered from him, her, or them, and be levied on his, her, or their Estate or Effects, the Charges of Prosecution being first thereout deducted.

Informations and Actions where to be entered and prosecuted.

XVIII. And be it further enacted, That all Actions, Suits, and Informations, to be had and commenced upon this, or any other Acts for preventing the Exportation of Wooll, Wooll-fells, Wooll-flocks, Worstlings, Shortlings, Worsted, Bay or Woollen Yarn, Cruels, or Wooll slightly manufactured, or Mattrasses, or Beds stuffed with combed Wooll, or Wooll fit for combing, Fullers-earth, Fulling-clay, Tobacco-pipe-clay, or any other scouring Earth or Clay from Great Britain or Ireland; or for preventing the Exportation from Ireland into Foreign Parts, of Cloth, Serges, Bays, Kerseys, Frizes, Druggets, Shalloons, Stuffs, Cloth-serges, or any other Drapery made of or mixed with Wooll manufactured in Ireland, may be entered and prosecuted (except where it is in this Act otherwise directed) in any of His Majesty's Courts of Record at Westminster, or in the Court of Exchequer in Scotland, or at the Quarter Sessions of the Peace, or before any Two Justices of the Peace for any County, City, or Place in this Kingdom, in a summary Way, at the Election of the Seizer or Informer, or by any Law relating to the Revenue of Ireland, in that Kingdom; wherein no Essoign, Protection, or Wager of Law shall be allowed, or any more than one Imparlance; and if the Property thereof be claimed by any Person or Persons, in such Case the Onus probandi shall lie upon the Owner or Claimer thereof, and not on the Officer or Seizer; any thing in this or any other Act contained to the contrary notwithstanding.

Onus probandi to lie upon the Owner.

XIX. And be it further enacted by the Authority aforesaid, That all the Forfeitures and Penalties before in this Act mentioned and appointed, except where the same is otherwise directed by this Act, shall be to the Use of such Person or Persons as shall seize, inform, or sue for the same, in the Manner herein before directed.

XX. And be it further enacted by the Authority aforesaid, That on the Condemnation of any Wooll, or any other of the Species of Goods before enumerated, the said respective Commissioners shall and may cause all such Goods to be publickly sold to the best Bidder, at such Places as the said Commissioners shall think proper; any Law, Custom, or Usage to the contrary in any wise notwithstanding; and out of the Produce of such Sale, they shall cause to be paid all Charges of Condemnation and Sale, and the Remainder to such Person or Persons who shall seize, inform, or sue for the same as aforesaid.

Officer making Seizure upon Information, the Informer to have Half.

XXI. Provided always, and be it declared and enacted by the Authority aforesaid, In case any Officer of the Customs, Excise, or Salt-duty, shall receive any Information from any other Person or Persons, whereby any Seizure of the said Goods shall be made, or any Prosecution shall be commenced and carried on to Effect; such Person or Persons shall have and receive to his own Benefit one Half of what shall be recovered, levied, and received by any such Officer, as a Reward for his Information or Discovery; any thing herein contained to the contrary notwithstanding.

Provision where the Offender is unable to pay the 3*l.* Penalty.

XXII. And be it further enacted and declared by the Authority aforesaid, That if any Person or Persons, Offender or Offenders, shall, by Conviction, Judgement, or otherwise, become liable to the Payment of the Penalty of Three Shillings per Pound Weight, inflicted by this or any former Act made to prevent the Exportation of Wooll, for such Wooll, or other the Species before mentioned, and shall not be of sufficient Ability to pay the same, by which Means the Informer or Prosecutor will lose the Benefit of such his Information and Prosecution; then and in such Case it shall and may be lawful for the respective Commissioners to cause One Shilling per Pound Weight for all such of the said Goods, for which such Offender or Offenders shall be convicted, to be paid by the Receiver General of the Revenue under the Management of the respective Commissioners, out of any publick Money in his Hands; and the Money paid by any Receiver General, Cashier, or other Officer as aforesaid, shall be accepted of and allowed in his Accounts, as so much Money paid to His Majesty; and every such Officer is and shall be hereby discharged thereof accordingly; any Law, Custom, or Usage to the contrary notwithstanding.

Encouragement to Masters or Mariners of Ships, employed in clandestine exporting of Wooll, to make Discovery thereof.

XXIII. Provided always, and be it further enacted by the Authority aforesaid, That from and after the Twenty fifth Day of December, One thousand seven hundred and thirty nine, if the Master of any Ship or Vessel employed in the clandestine exporting to Parts beyond the Seas, from Great Britain or Ireland, any Wooll, Wooll-fells, Wooll-flocks, Worstlings, Shortlings, Worsted, Bay or Woollen Yarn, Cruels, or Wooll slightly manufactured, or Mattrasses, or Beds stuft with combed Wooll, or Wooll fit for combing, or any Fullers-earth, Fulling-clay, Tobacco-pipe-clay, or any other scouring Earth or Clay, or in the clandestine importing from Ireland any Woollen Cloth, Serges, Bays, Kerseys, Sayes, Frizes, Druggets, Cloth-serges, Shalloons, or any other Drapery Stuffs, or Woollen Manufacture, made and manufactured in Ireland; or if the Mate or any of the Mariners of such Ship or Vessel shall give an Account in Six Months after such shipping or exporting any of the Goods before mentioned, to the Commissioners of the Customs in England or Scotland, or to the Commissioners of the Revenues in Ireland respectively, of the Name of the Ship or Vessel, and the Species and Quantities of such Goods so clandestinely exported or shipt for Exportation to Parts beyond the Seas, together with the Name of the Owner or Owners, Exporter or Exporters of such Goods, or the Name of the Person or Persons who act in his or their Aid and Assistance, so as he or they may be prosecuted and convicted for such his or their Offence or Offences committed against this or any other Act made to prevent the illegal Exportation of Wooll, or any the Species or Goods before mentioned; such Master, Mate, or Mariner, shall not only be indemnified for so doing, but shall be clearly acquitted and discharged from any the Pains, Penalties, and

Forfeitures

Forfeitures he or they are by Law ſubject to for ſuch his or their Offence or Offences; and ſhall alſo have and receive Three fourth Parts of the Penalties or Forfeitures, clear of Charges, that ſhall be recovered and received by Means of ſuch their Diſcovery; which the reſpective Commiſſioners aforeſaid are to cauſe to be paid and diſtributed in ſuch Manner and Proportion as they ſhall think proper, and the other fourth Part to His Majeſty, His Heirs, and Succeſſors, after deducting the Charges of Proſecution and Condemnation; any Law, Cuſtom, or Uſage to the contray notwithſtanding.

Perſons qualified to put this Act in Execution.

XXIV. And to prevent any Diſpute relating to the Authority of any Perſon or Perſons acting as an Officer, or as Officers of the Cuſtoms, Exciſe, or Salt-duties in Great Britain or Ireland, for the putting in Execution this Act, or any other Act or Acts of Parliament relating to thoſe Revenues, or made againſt the Tranſportation of Wooll; be it further enacted by the Authority aforeſaid, That every Perſon, who by Deputation, Commiſſion, or other Inſtrument, under the Hands and Seals of the Commiſſioners of the Cuſtoms, Exciſe, or Salt, in Great Britain or Ireland reſpectively, ſhall be appointed to act as an Officer or Servant under them, for putting this or any of the ſaid Acts in Execution, ſhall be eſteemed an Officer of the Cuſtoms, Exciſe, or Salt reſpectively, to all Intents and Purpoſes in the Law whatſoever.

300*l.* Penalty on offering to bribe an Officer.

XXV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons whatſoever ſhall offer or promiſe to give any Bribe, Recompence, or Reward whatſoever, to any Officer or Officers of the Cuſtoms, Exciſe, or Salt, in Great Britain or Ireland, to connive at or permit the Tranſportation or the Concealment of any Wooll, Wooll-flocks, Wooll-fells, Worſtlings, Shortlings, Yarn made of Wooll, Cruels, or Wooll ſlightly manufactured, or Wattraſſes, or Beds ſtuffed with combed Wooll, or Wooll fit for combing, Fullers-earth, Fullers-clay, and Tobacco-pipe-clay, or any other ſcouring Earth or Clay; or to the removing thereof, contrary to this or any other Act made againſt the Tranſportation thereof; or to do, conceal, or connive at any other Act, whereby any of the Proviſions made by this or any other Law as aforeſaid may be evaded or broken; every ſuch Perſon and Perſons ſhall for every ſuch Offence (whether the ſame Offer, Propoſal, or Promiſe be accepted or performed, or not) forfeit the Sum of Three hundred Pounds, to be recovered and applied to the Uſe of him or them who ſhall inform or ſue for the ſame by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in the Court of Exchequer in Scotland, or in any of His Majeſty's Courts of Record at Dublin; wherein no Eſſoign, Protection, or Wager of Law, or any more than one Imparlance ſhall be allowed.

Perſons oppoſing Officers in their Duty, deemed Felons.

XXVI. And for the more effectual putting this Act in Execution, be it further enacted by the Authority aforeſaid, That if any Officer or Officers of the Cuſtoms, Exciſe, or Salt, or any other Perſon or Perſons that ſhall act in Aid or Aſſiſtance of any Officer or Officers of the Cuſtoms, Exciſe, or Salt, in putting this Act in Execution, ſhall be hindered, oppoſed, obſtructed, moleſted, wounded, or beaten, in ſeizing any Wooll, Wooll-fells, Wooll-flocks, Worſtlings, Shortlings, Woollen or Bay Yarn, or any other Species of Goods before enumerated, by any Perſon or Perſons whatſoever, either in the Day or Night, by Land or Water; the Perſon or Perſons that ſhall ſo hinder, oppoſe, obſtruct, moleſt, wound, or beat any ſuch Officer or Officers, or any Perſon or Perſons who ſhall act in his or their Aid or Aſſiſtance in the making ſuch Seizures as aforeſaid; or any other Perſon or Perſons whatſoever, being armed with offenſive Arms or Weapons, or wearing any Vizard, Maſk, or other Diſguiſe, who ſhall reſcue, or attempt to reſcue any Wooll, or other the Goods aforeſaid, which ſhall be ſeized by any Officer or Officers of the Cuſtoms, Exciſe, or Salt; every ſuch Perſon or Perſons that ſhall be convicted of any of the ſaid Offences, ſhall, by Order of the Court before whom ſuch Offender or Offenders ſhall be convicted, be tranſported to ſome of His Majeſty's Colonies and Plantations in America, for ſuch Term as ſuch Court ſhall think fit, not exceeding Seven Years, in the ſame Manner as by an Act made in the Fourth Year of the Reign of His late Majeſty King George the Firſt, of Glorious Memory, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons, and unlawful Exporters of Wooll; and for declaring the Law upon ſome Points relating to Pirates; and by one other Act made in the Sixth Year of the Reign of His late Majeſty, intituled, An Act for the preventing Robbery and other Felonies, and for the more effectual Tranſportation of Felons, the Offenders therein mentioned are to be tranſported to the ſaid Colonies and Plantations; and if any ſuch Offender or Offenders ſhall return into Great Britain or Ireland, before the Expiration of the Time for which ſuch Perſon ſhall be tranſported, contrary to the Intent and Meaning hereof, he or they ſo returning ſhall ſuffer as Felons, and have Execution awarded againſt them as Perſons attainted of Felony, without Benefit of Clergy.

Act 4 *Geor.* I. *cap.* 11. to extend to the Abettors of Exporters of Wooll.

XXVII. And whereas by an Act paſſed in the Fourth Year of His late Majeſty King *George* the Firſt, intituled, *An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Tranſportation of Felons, and unlawful Exporters of Wooll, and for declaring the Law upon ſome Points relating to Pirates*, it is enacted, That if any Perſon or Perſons ſhall be in Priſon for want of ſufficient Bail, for unlawful Exportation of Wooll or Wooll-fells, and ſhall refuſe to appear or plead to a Declaration or Information to be delivered to ſuch Perſon or Perſons, or to the Gaoler, Keeper, or Turnkey of the Priſon, at the ſaid Priſon, for the ſaid Offence, by the Space of one Term, Judgement ſhall be entered againſt him by Default; and in caſe Judgement ſhall be obtained againſt any ſuch Perſon or Perſons by Default, Verdict, or otherwiſe, and ſuch Perſon or Perſons ſhall not pay the Sum recovered againſt him or them for the ſaid Offence within the Space of Three Months after entering up of ſuch Judgement, the Court before whom ſuch Judgement ſhall be obtained, ſhall by Order of Court cauſe ſuch Offender or Offenders to be tranſported in the ſame Manner as Felons aforeſaid, for the Term of Seven Years; and if ſuch Offender or Offenders ſhall return into *Great Britain* or *Ireland* before the Expiration of the ſaid Seven Years, he or they ſhall ſuffer as Felons, and have Execution awarded againſt them as Perſons attained of Felony, without Benefit of Clergy: And whereas the ſaid Act extended only to the Perſon or Perſons who actually exported the Wooll or Wooll-fells, but not to their Aiders or Abettors; be it therefore enacted by the Authority aforeſaid, That the ſaid Act, and every thing therein contained, ſo far as the ſame concerns the Exporters of Wooll or Wooll-fells, ſhall extend or be conſtrued to extend to all and every Perſon or Perſons

Perſons who act as Aiders or Abettors to ſuch Exporters of Wooll or Wooll-fells, as fully, to all Intents and Purpoſes, as if the ſame was repeated and re-enacted in the Body of this Act.

Bonds not chargeable with the Stamp-duties.

XXVIII. Provided always, and be it further enacted, That all Bonds taken or to be taken purſuant to this Act, ſhall not be chargeable with any the Duties upon ſtampt Vellum, Parchment, or Paper; any Law or Statute made or to be made to the contrary notwithſtanding.

XXIX. And whereas it is found by Experience that great Quantities of Wooll, Wooll-fells, Woollflocks, Mortlings, Shortlings, Cruels, Worſted, Woollen and Bay Yarn, Mattraſſes, and Beds ſtuffed with combed Wooll, or Wooll fit for combing, are frequently exported from *Great Britain* or *Ireland* in foreign Parts, and of Woollen Manufactures from *Ireland* into foreign Parts, to the great Prejudice of the Woollen Manufacture of this Kingdom; which Practice hath of late been much increaſed and promoted by evil-diſpoſed Perſons, who, notwithſtanding the Laws already made, do undertake as Inſurers or otherwiſe, that ſuch Goods ſhall be delivered in Parts beyond the Seas: For the preventing ſo great a Miſchief for the future, be it further enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of December, One thouſand ſeven hundred and thirty nine, all and every Perſon or Perſons whatſoever, who by way of Inſurance or otherwiſe ſhall undertake or agree, that any of the Goods or Merchandizes before mentioned ſhall be carried or conveyed to any Parts beyond the Seas from any Port or Place whatſoe[illegible] Kingdom or Ireland contrary to the true Intent and Meaning of this Act; or in purſuance of ſuch Inſurance, Undertaking, or Agreement, ſhall deliver or cauſe or procure to be delivered any of the ſaid Goods in any Parts beyond the Seas, ſuch Perſon or Perſons, and all and every their Aiders, Abettors, and Aſſiſtants, ſhall for every ſuch Offence forfeit and loſe the Sum of Five hundred Pounds, to the Uſe of the Informer or Proſecutor, over and above all other Forfeitures and Penalties to which they are liable by any Act now in Force.

500 l. Penalty on inſuring or procuring Wooll to be landed in foreign Parts.

The like Penalty on the aſſured.

XXX. And be it further enacted by the Authority aforeſaid, That all and every Perſon or Perſons whatſoever, who ſhall pay or agree to pay any Sum or Sums of Money for the inſuring, conveying, or exporting out of this Kingdom or Ireland, contrary to the true Intent and Meaning of this Act, any of the Goods or Merchandizes aforeſaid; ſhall for every ſuch Offence forfeit and loſe the Sum of Five hundred Pounds to the Uſe of the Informer, or ſuch Perſon or Perſons as ſhall ſue for the ſame.

Encouragement to Perſons inſuring and inſured, to make Diſcovery.

XXXI. And be it further enacted by the Authority aforeſaid, That in caſe the Inſurer, Conveyer, or Manager of or in ſuch Fraud, or the Perſon or Perſons agreeing to inſure, convey, or manage therein, do or ſhall within the Space of Six Months after ſuch Tranſaction or Agreement firſt give Notice thereof to the Commiſſioners of the Cuſtoms in England or Scotland for the time being, or to the Commiſſioners of the Revenue in Ireland for the time being, ſo as the Perſon or Perſons concerned with him, her, or them in ſuch Offence be convicted thereof; he, ſhe, or they ſo firſt diſcovering, ſhall not only be clearly acquitted and diſcharged of ſuch Offence, and from the Penalties to which he, ſhe, or they is or are liable by Reaſon thereof, but ſhall alſo have to his, her, and their own Uſe, the whole Forfeiture hereby impoſed upon the Party or Parties making ſuch Inſurance or Agreement, after the Charges of Proſecution are deducted; and ſhall likewiſe retain and enjoy to his, her, or their own Uſe the Inſurance-money or Reward given or paid to him, her, or them, by the Perſon or Perſons concerned with him, her, or them therein; and in caſe the Party or Parties inſured ſhall within the like Space of Six Months firſt make Diſcovery thereof to the Commiſſioners of the Cuſtoms in England or Scotland for the time being, or to the Commiſſioners of the Revenue in Ireland for the time being, ſo as the Perſon or Perſons concerned with him, her, or them in ſuch Offence, be convicted thereof; he, ſhe, or they ſo firſt diſcovering, ſhall recover and receive back ſuch Inſurance-money or Premium, as he, ſhe, or they hath or have paid upon ſuch Inſurance or Agreement; and in caſe the ſaid Inſurance-money or Premium ſhall not at the Time of ſuch Diſcovery be actually paid, then the Perſon or Perſons ſo firſt diſcovering, is and are hereby ſaved harmleſs, and indemnified from paying the ſame, or any Part thereof; and all and every Agreement and Agreements entered into for paying ſuch Monies, is and are hereby declared to be null and void; and ſuch Perſon or Perſons ſo firſt diſcovering ſhall alſo have to his, her, and their own Uſe the whole Forfeiture impoſed upon ſuch Inſurer, Conveyer, or Manager, as aforeſaid, after Charges of Proſecution are deducted; and ſhall alſo be clearly acquitted and diſcharged of the Forfeitures hereby impoſed upon him, her, or them.

The ſaid Penalties how to be recovered.

XXXII. And be it further enacted, That all the ſaid Penalties and Forfeitures incurred by the Perſons concerned in the fraudulent and illegal Inſurances, or Agreements to inſure, or be inſured, as before mentioned, ſhall be ſued for, proſecuted, and recovered in any Court of Record at Weſtminſter, or in the Court of Exchequer in Scotland or Ireland, by Action of Debt, Bill, Plaint, or Information, in the Name of His Majeſty's Attorney General, or in the Name of any Officer of His Majeſty's Cuſtoms, Exciſe, or Salt Duties; wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, or any more than One Imparlance.

XXXIII. And whereas Policies of Inſurance are commonly made on Goods and Merchandizes, as well as on Ships or Veſſels, wherein the Inſurer undertakes, in Conſideration of a Premium given him by the aſſured, to bear all the Riſques and Hazards of the Voyage; and it is generally unknown to the Inſurers what Sorts of Goods and Merchandizes are loaded on board any Ship or Veſſel, whereby it frequently happens that Inſurances are made on Wooll or Woollen Yarn to be carried from *Great Britain* or *Ireland* to Foreign Parts beyond the Seas, or on Woollen Manufactures to be carried from *Ireland* to Foreign Parts beyond the Seas, as well as on Ships or Veſſels having on board ſuch Wooll or Woollen Yarn, or Woollen Manufactures from *Ireland*: And whereas the diſcouraging all ſuch Inſurances may be a Means to prevent the fraudulent Exportation of Wooll and Woollen Yarn, and Woollen Manufactures from *Ireland*;

Inſurances on Woollen Goods void.

be it therefore further enacted by the Authority aforeſaid, That all Policies of Inſurance which, from and after the Twenty fifth Day of December, One thouſand ſeven hundred and

and thirty nine, shall be made on Goods and Merchandizes laden, or to be laden, on any Ship or Vessel bound from Great Britain or Ireland to Foreign Parts beyond the Seas, which shall afterwards appear to be Wooll or Woollen Yarn, or any other Species of Wooll before mentioned, or Woollen Manufactures from Ireland; and all Policies of Insurance, which, from and after the Twenty fifth Day of December, One thousand seven hundred and thirty nine, shall be made on any Ship or Vessel bound from Great Britain or Ireland to Foreign Parts beyond the Seas, which shall have on board any Wooll or Woollen Yarn or any other Species of Wooll before mentioned, or Woollen Manufactures from Ireland, shall be deemed and taken to be null and void, notwithstanding any Words or Agreement whatsoever, which shall be inserted in any such Policy of Insurance; and nothing shall be recovered by the assured in either Case from the Insurer for Loss or Damage, or for the Premium which shall have been given as the Consideration for insuring such Goods and Merchandizes, Ship, or Vessel; any Law, Custom, or Usage to the contrary notwithstanding.

XXXIV. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act; the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance, and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared; or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff; the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants have in other Cases by Law. General Issue. Treble Costs.

CAP. XXII.

An Act to rectify a Mistake in an Act made in the Sixth Year of the Reign of his late Majesty King *George*, for preventing Frauds and Abuses in the publick Revenues of Excise, Customs, Stamp Duties, Post-office, and House-money, relating to the Condition of Bonds taken from Masters of Ships; and to indemnify Persons who have acted under the said Mistake; and also to obviate a Doubt which has arisen upon an Act made in the Seventh Year of his said late Majesty's Reign, for the further preventing His Majesty's Subjects from trading to the *East Indies* under foreign Commissions; and for encouraging and further securing the lawful Trade thereto, with regard to Prosecutions in *Ireland* in a summary Way, for the fraudulent Importation of *East India* Goods into that Kingdom.

WHEREAS in the Record of an Act passed in the Sixth Year of the Reign of King *George* the First, intituled, *An Act for preventing Frauds and Abuses in the publick Revenues of Excise, Customs, Stamp Duties, Post-office, and House-money*, is a Clause which recites, that whereas divers Ships and Vessels of the Burthen of Fifty Tons, or under, laden with Tobacco, Brandy, Spirits, and other customable or prohibited Goods, pretending to be bound for foreign Parts, do frequently lie hovering on the Coast of *Ireland*, with Intention to run the same privately on Shore, as Opportunity offers, to the great Diminution of His Majesty's Revenue, and Ruin of fair Traders; and Ships or Vessels of the Burthen of Fifty Tons, or under, do frequently lie hovering on that Coast to take in Wooll not lawfully licensed, to be brought into *England*, and other Staple Commodities of *Ireland* prohibited to be exported; For the better preventing whereof it was declared and enacted by the said Act, that from and after the First Day of *August* One thousand seven hundred and twenty, where any Ship or Vessel of the Burthen of Fifty Tons, or under, laden with customable or prohibited Goods, should be found at Anchor, or hovering on the Coasts of *Ireland*, within Two Leagues of the Shore, and not proceeding on her Voyage, Wind and Weather permiting, it should and might be lawful to and for any Officer or Officers of His Majesty's Customs of that Kingdom, to go on board every such Ship or Vessel, and to take an Account of the Lading, and to demand and take Security from the Master, or other Person having or taking the Charge or Command of such Ship or Vessel in that Voyage, by his own Bond, by him to be entered into, unto His Majesty, His Heirs, and Successors, in such Sum or Sums of Money as should be treble the Value of such Goods then on Board; with Condition that such Ship or Vessel, as soon as Wind and Weather, and the State and Condition of such Ship or Vessel did permit, should and would proceed regularly on such Voyage, and should not land such Goods (except Wooll lawfully licensed as aforesaid) in and at some foreign Port or Ports; and if such Master or other Person having or taking the Charge or Command of such Ship or Vessel should upon such Demand refuse to enter into such Bond, or having entered into such Bond, should not depart or proceed regularly on such Voyage as soon as Wind and Weather and the State and Condition of such Ship or Vessel should permit, unless otherwise suffered to make a longer Stay by the Collector, or other principal Officer in his Absence, of such Port where such Ship or Vessel should be, not exceeding Twenty Days; then and in either of the said Cases all the Goods so on board such Ship or Vessel should and might by any Officer or Officers of the Customs, by Direction of the Collector or other principal Officer as aforesaid, be taken out of and from such Ship or Vessel, and forthwith brought on shore and secured, and in case the said Goods were customable, the Customs and other Duties should be paid for the same; and as concerning Wooll or any prohibited Goods, or other Goods liable to Forfeiture, which might be found on board such Ships or Vessels at the Time of their unlading, as aforesaid, the same are thereby declared to be subject to Forfeiture, and the Officers of the Customs should and might prosecute the same, as also the Ship or Vessel, in case she should be liable to Condemnation: And whereas there appears to be a Mistake in the said recited Clause in the Act aforesaid, by the Word [*not*] being inserted in the Record thereof, between the Word [*shall*] and the Word [*land*] contrary to the Meaning and Intention of the said Act; **now for remedying the said Mistake, be it enacted and declared by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing this Act, the herein before mentioned Bonds to be entered into by the Masters of Ships or Vessels, or the Persons having or taking Charge or Command thereof, according to the Direction and Provision before recited of** Preamble, reciting the Act 6 *Geor.* I. *cap.* 21. The Amendment.

the ſaid Act, ſhall be with Condition, That ſuch Ship or Veſſel, as ſoon as Wind and Weather and the Condition of ſuch Ship or Veſſel will permit, ſhall and will proceed regularly on ſuch Voyage, and ſhall land ſuch Goods (except Wooll lawfully licenſed) in and at ſome foreign Port or Ports; and if ſuch Maſter or other Perſon having or taking the Charge or Command of ſuch Ship or Veſſel ſhall upon ſuch Demand refuſe to enter into ſuch Bond, or having entered into ſuch Bond ſhall not depart or proceed regularly on ſuch Voyage as ſoon as Wind and Weather and the State and Condition of ſuch Ship or Veſſel ſhall permit, unleſs otherwiſe ſuffered to make a longer Stay by the Collector, or other principal Officer in his Abſence, of ſuch Port where ſuch Ship or Veſſel ſhall be, not exceeding Twenty Days; then and in either of the ſaid Caſes all the Goods ſo on board ſuch Ship or Veſſel, ſhall and may by any Officer or Officers of the Cuſtoms, by Direction of the Collector or other principal Officer as aforeſaid, be taken out of and from ſuch Ship or Veſſel, and forthwith brought on Shore and ſecured; and in caſe the ſaid Goods are cuſtomable, the Cuſtoms and other Duties ſhall be paid for the ſame; and as concerning Wooll, or any prohibited Goods, or other Goods liable to Forfeiture, which may be found on board ſuch Ships or Veſſels at the Time of their unlading as aforeſaid, the ſame are hereby declared to be ſubject to Forfeiture, and the Officers of the Cuſtoms ſhall and may proſecute the ſame, as alſo the Ship or Veſſel, in caſe ſhe ſhall be liable to Condemnation.

II. And whereas ſome Officers of His Majeſty's Cuſtoms in the Kingdom of *Ireland*, and other Perſons aſſiſting them, may have gone on board, and demanded and taken Security from the Maſters or other Perſons having the Charge of ſuch Ships or Veſſels as aforeſaid, and have otherwiſe acted under the ſaid Act, according to the Intention of the ſaid Act, though not according to the Letter thereof, whereby ſuch Officers and Perſons may be liable to Proſecutions for the ſame; **therefore to indemnify and ſave harmleſs ſuch Officers and Perſons, their Heirs, Executors, and Adminiſtrators, for taking ſuch Securities, and acting as aforeſaid; be it enacted by the Authority aforeſaid,** Perſons indemnified who have acted according to the Intent of the Act. **That all ſuch Officers and Perſons as have taken any ſuch Securities, or acted as aforeſaid, their Heirs, Executors, and Adminiſtrators, ſhall, and each and every of them are hereby reſpectively acquitted, indemnified, releaſed, and diſcharged of and from all Actions, Proſecutions, Penalties, Forfeitures, Outlawries, Convictions, and Judgements incurred, obtained, had, or to be incurred, obtained, or had, on account, or by reaſon of the ſame.**

III. And whereas by a Clauſe in an Act of Parliament made in the Seventh Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for the further preventing His Majeſty's Subjects from trading to the* Eaſt Indies *under Foreign Commiſſions, and for encouraging and further ſecuring the lawful Trade thereto; and for further regulating the Pilots of* Dover, Deal, *and the Iſle of* Thanet, it is amongſt other things enacted, That from and after the Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty one, no Commodity of the Growth, Product, or Manufacture of the *Eaſt Indies*, or other the Places in the ſaid Act before mentioned, ſhall be imported or carried into the Kingdom of *Ireland*, the Iſlands of *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or into any Land, Iſland, Plantation, Colony, Territory, or Place, to His Majeſty, or to the Crown of *Great Britain* belonging, or which ſhall hereafter belong to His Majeſty, His Heirs, and Succeſſors, in *Africa* or *America*, but ſuch only as ſhall be *bona fide*, and without Fraud, loaden and ſhipt in *Great Britain*, in Ships navigated according to the ſeveral and reſpective Laws now in Being, as to the ſeveral Places to which the ſaid Goods ſhall be imported or carried, under the Penalty of forfeiting all ſuch Goods, or the Value thereof, together with the Ship or Veſſel in which they ſhall be imported, with all her Guns, Tackle, Furniture, Ammunition, and Apparel; and ſuch Ship and Goods ſhall and may be ſeized, and the ſame, or the Value thereof, ſhall and may be proſecuted in any of His Majeſty's Courts of Record at *Weſtminſter*, or in *Dublin*, or in any of His Majeſty's Courts in ſuch Land, Iſland, Colony, Territory, or Place where the Offence ſhall be committed, or in the Royal Courts of *Jerſey* and *Guernſey* reſpectively, by Bill, Plaint, or Information, wherein no Eſſoign, Protection, or Wager of Law ſhall be allowed, or any more than one Imparlance; one Moiety of which Forfeiture ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors, and the other Moiety to him or them who ſhall ſeize or ſue for the ſame; except ſuch Offence ſhall be committed in any of His Majeſty's Plantations in *Africa* or *America*; in which Caſe One third Part of the ſaid Forfeiture ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors, One other third Part to the Governor of ſuch Land, Iſland, Colony, or Place where the Offence ſhall be committed, and the other third Part to the Informer or Proſecutor; any Law, Cuſtom, or Uſage to the contrary notwithſtanding: And if any Officer or Officers of the Cuſtoms in the ſaid Kingdom of *Ireland*, or in the Lands, Iſlands, Colonies, Plantations, Territories, or Places aforeſaid, ſhall willingly or knowingly connive at the fraudulent Importation of any ſuch Commodities as is before mentioned, contrary to the true Meaning of the ſaid laſt mentioned Act; or if any ſuch Officer or Officers ſhall take upon him or them to ſeize any of the ſaid Commodities, and ſhall by Fraud or Colluſion deſiſt or delay the Proſecution thereof to Condemnation; he or they ſo conniving, deſiſting, or delaying, ſhall forfeit and loſe the Sum of Five hundred Pounds, to be ſued for and recovered in Manner aforeſaid; one Moiety of which Forfeiture to be to the Uſe of His Majeſty, His Heirs, and Succeſſors, and the other Moiety thereof to him or them who will inform and ſue for the ſame; and ſuch Officer or Officers ſhall alſo for the future be incapable of holding any Office or Employment under His Majeſty, His Heirs, and Succeſſors: And whereas a Doubt hath ariſen, whether by reaſon of the ſaid laſt mentioned Act the Penalties and Forfeitures incurred by the Laws now in Force in the ſaid Kingdom of *Ireland*, againſt running, or intending to run Goods into that Kingdom, or for landing or carrying the ſame away without due Entry being made thereof, or paying or giving Security for the Payment of the Duties thereout due and payable to His Majeſty, can (as to Commodities of the Growth, Production, or Manufacture of the *Eaſt Indies*, mentioned in the ſaid recited Act) be ſued for, and recovered in a ſummary Way, in any other Manner than by Bill, Plaint, or Information in ſome of His Majeſty's Courts of Record in *Dublin:* And whereas divers evil-diſpoſed Perſons have of late been encouraged to run great Quantities of *India* Goods into the Kingdom of *Ireland*, which were not loaden or ſhipped in or from any Part of *Great Britain*, whereby the Payment of any Duty for the ſame hath been avoided, to the great Diminution of His Majeſty's Revenue in the Kingdom of *Ireland*, contrary to the true Intent and Meaning of the ſaid Act; **for Remedy whereof, and for obviating and taking away all ſuch Doubts, be it further enacted by the Authority aforeſaid, That the Commiſſioners of Exciſe in the Kingdom of** Ireland **for the time being, or any Three of them, or the Sub-commiſſioners of Exciſe for the**

Act 7 *Geor.* I. *cap.* 21.

the time being, or the major Part of them respectively, in their respective Limits and Districts in the Kingdom of Ireland, shall from and after the passing of this Act, and they are hereby authorized and required to hear and determine all Offences against any Clause or Article contained in any Act of Parliament now in Force in the Kingdom of Ireland, made for preventing the running or intending to run into the said Kingdom any Commodity of the Growth, Product, or Manufacture of the East Indies, or other Places beyond the Cape of Good Hope; and the said Commissioners and Sub-commissioners shall and may and they are hereby impowered to proceed in a summary Way, and hear, determine, and give Judgement or Sentence thereupon, and order and direct the Fines, Penalties, and Forfeitures to be recovered and levied, in such or the like Manner, as they the said Commissioners and Sub-commissioners are enabled to proceed to hear, determine, give Judgement, and levy the Fines, Penalties, and Forfeitures in Cases of Excise in the Kingdom of Ireland, by any Law, Act or Acts of Parliament, now in Force in that Kingdom; any thing in the said Act passed in the Seventh Year of the Reign of his late Majesty King George the First to the contrary notwithstanding.

Commissioners, or Sub-commissioners of Excise in *Ireland*, to try Offences against any Acts for prohibiting the running of *India* Goods, in a summary Way.

CAP. XXIII.

An Act for providing a Reward to *Joanna Stephens* upon a proper Discovery to be made by her for the Use of the Publick, of the Medicines prepared by her for the Cure of the Stone.

Preamble.

WHEREAS *Joanna Stephens* of the City of *Westminster*, Spinster, hath acquired the Knowledge of Medicines, and the Skill of preparing them, which by a dissolving Power seem capable of removing the Cause of the painful Distemper of the Stone, and may be improved, and more successfully applied, when the same shall be discovered to Persons learned in the Science of Physick; now for encouraging the said Joanna Stephens to make a Discovery thereof, and for providing her a Recompence in case the said Medicines shall be submitted to the Examination of proper Judges, and by them be found worthy of the Reward hereby provided; may it please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of all or any the Aids or Supplies granted to His Majesty for the Service of the Year One thousand seven hundred and thirty nine, there may and shall be applied and paid to the said Joanna Stephens, or her Executors, Administrators, or Assigns, the Sum of Five thousand Pounds, upon Condition that she shall with all convenient Speed after the passing of this Act make such Discovery for the Use of the Publick of the said Medicines, and her Method of preparing the same, in such Manner as his Grace John Lord Archbishop of Canterbury, the Right Honourable Philip Lord Hardwicke, Lord High Chancellor of Great Britain, the Right Honourable Spencer Earl of Wilmington, Lord President of the Council, the Right Honourable Francis Earl Godolphin, Lord Privy Seal, his Grace Lionel Duke of Dorset, Lord Steward of his Majesty's Houshold, his Grace Charles Duke of Grafton, Lord Chamberlain of his Majesty's Houshold, his Grace Charles Duke of Richmond and Lenox, his Grace John Duke of Montagu, the Right Honourable Henry Earl of Pembroke and Montgomery, the Right Honourable Richard Earl of Scarborough, the Right Honourable Henry Lord Viscount Lonsdale, the Right Reverend Martin Lord Bishop of Gloucester, the Right Reverend Thomas Lord Bishop of Oxford, the Right Honourable Arthur Onslow Esquire, Speaker of the Honourable House of Commons, the Right Honourable Henry Hyde Esquire, commonly called Lord Viscount Cornbury, the Right Honourable Charles Lord Baltimore in the Kingdom of Ireland, the Right Honourable Sir Robert Walpole Knight of the most Noble Order of the Garter, and Chancellor of the Exchequer, the Right Honourable Stephen Poyntz Esquire, the Honourable Thomas Townshend Esquire, the Reverend Doctor Stephen Hales, Doctor Thomas Pellet, President of the Royal College of Physicians, Doctor John Gardiner, Doctor Robert Nesbitt, Doctor Simon Burton, and Doctor William Whitaker, Censors of the Royal College of Physicians; Doctor Peter Shaw, David Hartley Master of Arts, William Chesselden Esquire, Surgeon to Chelsea Hospital, Cæsar Hawkins Esquire, Surgeon to his Royal Highness the Prince of Wales, Master Samuel Sharp Surgeon to Guy's Hospital, or the Survivors of them, or the major Part of them or of the Survivors of them shall direct or approve; and upon this further Condition, that the said Medicines so discovered, shall be examined and approved by the said Lord Archbishop of Canterbury, Philip Lord Hardwicke, Spencer Earl of Wilmington, Francis Earl Godolphin, Lionel Duke of Dorset, Charles Duke of Grafton, Charles Duke of Richmond and Lenox, John Duke of Montagu, Henry Earl of Pembroke and Montgomery, Richard Earl of Scarborough, Henry Lord Viscount Lonsdale, Martin Lord Bishop of Gloucester, Thomas Lord Bishop of Oxford, Arthur Onslow Esquire, Henry Hyde Esquire, commonly called Lord Viscount Cornbury, Charles Lord Baltimore, Sir Robert Walpole Knight of the most Noble Order of the Garter, Stephen Poyntz Esquire, Thomas Townshend Esquire, Doctor Stephen Hales, Doctor Thomas Pellett, Doctor John Gardiner, Doctor Robert Nesbitt, Doctor Simon Burton, Doctor William Whitaker, Doctor Peter Shaw, David Hartley, William Chesselden Esquire, Cæsar Hawkins Esquire, and Samuel Sharp, or the Survivors of them, or the major Part of them, or of the Survivors of them: And the Commissioners of his Majesty's Treasury, or any Three or more of them, or the Lord High Treasurer or any Three or more of the Commissioners of the Treasury for the time being, are hereby authorized and required to direct the Payment of, and issue the said Sum of Five thousand Pounds to the said Joanna Stephens, her Executors, Administrators, or Assigns, upon her or their producing a Certificate under the Hands of the said John Lord Archbishop of Canterbury, Philip Lord Hardwicke, Spencer Earl of Wilmington, Francis Earl Godolphin, Lionel Duke of Dorset, Charles Duke of Grafton, Charles Duke of Richmond and Lenox, John Duke of Montagu, Henry Earl of Pembroke and Montgomery, Richard Earl of Scarborough, Henry Lord Viscount Lonsdale, Martin Lord Bishop of Gloucester, Thomas Lord Bishop of Oxford, Arthur Onslow Esquire, Henry Hyde Esquire, commonly called Lord Viscount Cornbury, Charles Lord Baltimore, Sir Robert Walpole Knight of the most Noble Order of the Garter, Stephen Poyntz Esquire, Thomas Townshend Esquire, Doctor Stephen Hales, Doctor Thomas

5000 *l.* granted out of the Supplies for the Discovery of Mrs. *Stephen*'s Medicines;

by whom to be examined and approved.

Treasury to issue the said Sum, on a proper Certificate.

Thomas Pellett, Doctor John Gardiner, Doctor Robert Neſbitt, Doctor Simon Burton, Doctor William Whitaker, Doctor Peter Shaw, David Hartley, William Cheſelden Eſquire, Cæſar Hawkins Eſquire, and Samuel Sharp, or the Survivors of them, or the major Part of them, or of the Survivors of them; expreſſing that the ſaid Joanna Stephens did, with all convenient Speed after the paſſing of this Act, make a Diſcovery, to their Satisfaction, for the Uſe of the Publick, of the ſaid Medicines, and of her Method of preparing the ſame; and that they have examined the ſaid Medicines, and are convinced by Experiment of the Utility, Efficacy, and diſſolving Power thereof.

CAP. XXIV.

An Act to impower the High Court of Chancery to lay out upon proper Securities any Monies not exceeding a Sum therein limited, out of the common and general Caſh in the Bank of *England*, belonging to the Suitors of the ſaid Court, for the Eaſe of the ſaid Suitors, by applying the Intereſt ariſing therefrom, for anſwering the Charges of the Office of the Accountant General of the ſaid Court.

Preamble reciting the Acts 12 *Geo.* 1. *c.* 32.

WHEREAS the Lords Commiſſioners for the Cuſtody of the Great Seal of *Great Britain* did on the Twenty ſixth Day of *May*, One thouſand ſeven hundred and twenty five, make an Order for the Maſters of the High Court of Chancery to deliver into the Bank of *England* the Money, Bonds, Tallies, Orders, and Effects of the Suitors of the ſaid Court under their reſpective Care and Direction; and the Lord High Chancellor of *Great Britain*, by an Order of the Fourth Day of *November* following, direct the ſaid Order of the Twenty ſixth Day of *May* to be kept and obſerved, with the Explanations, Alterations, and Additions in the ſaid Order of the Fourth of *November* contained: And whereas by an Act of Parliament made and paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for the better ſecuring the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* Eaſt India *Bonds, and Indorſements thereon, as likewiſe Indorſements on* South Sea *Bonds*; after reciting and ſetting forth both the ſaid Orders of the Court of Chancery, it was amongſt other things enacted, That one Perſon ſhould be appointed by the High Court of Chancery to act, perform, and do all ſuch Matters and Things relating to the Delivery of the Suitors Money and Effects into the Bank, and taking them out of the Bank, and the keeping the Accounts with the Bank, and all other Matters relating thereto, as in and by the ſaid recited Orders or either of them were preſcribed and directed to be done and performed by the Maſters and Uſher of the ſaid Court of Chancery; and which Officer ſo to be appointed, was to be called the Accountant General of the Court of Chancery, and ſhould hold ſuch Office during the Pleaſure of the ſaid Court; and an Account ſhould be kept in his Name with the Bank of *England* for and on the Behalf of the Suitors of the ſaid Court of Chancery, in ſuch Manner as is directed by the ſaid recited Orders with reſpect to the Maſters of the ſaid Court and the Bank; and it was thereby enacted, That the ſaid Accountant General ſhould, as to the ſeveral Regulations and Directions preſcribed in the ſaid Orders, ſtand and be in the Place and Room of the Maſters and Uſher of the ſaid Court, and ſhould receive no other Fee or Reward from the Suitors for the Exerciſe of the ſaid Office, than what was allowed to the Maſters in and by the ſaid Order of the Twenty ſixth of *May*, One thouſand ſeven hundred and twenty five: And whereas in purſuance of the ſaid Act of Parliament, the Court of Chancery hath conſtantly appointed a Perſon to exerciſe the ſaid Office of Accountant General, who thereby became intitled to the Fees allowed to be taken by the ſaid Act: And whereas, although the ſaid Office hath been found to be of publick Utility, and of great Benefit and Safety to the Suitors of the Court of Chancery, yet the Fees allowed for the Execution of the ſaid Office are very diſproportionate and unequal, for that in all Inſtances of Receipts and Payments, Acceptances, and Transfers of ſmall Sums, the ſaid Fees are a great Burthen to the Suitors; and alſo that for a great Variety of Buſineſs and Tranſactions in the ſaid Office, which are either preſcribed by the ſaid Act, or are abſolutely neceſſary for the regular keeping of the Suitors Accounts, no Fee is provided or can be taken under the ſame Act: And whereas by an Act of Parliament made and paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for Relief of the Suiters of the High Court of Chancery*; and *cap.* 33. it was amongſt other Things enacted, That all the Money and Caſh then depoſited in the Bank, or that ſhould at any Time thereafter be paid into or depoſited in the Bank, on the Account of the Suitors of the Court of Chancery, or any of them, or by Order of the ſaid Court, and all the Monies ariſing by the Rates and Duties given by the ſaid Act, or borrowed thereon, and paid into the Bank, ſhould be accounted and taken to be one common and general Caſh, and ſhould be promiſcuouſly iſſued and iſſuable, when and as the Court of Chancery ſhould direct, for the anſwering, paying, and clearing the Debts and Demands of any of the Suitors of the ſaid Court: And whereas from many Years Experience it hath been found, that there always hath been, and now is a very large Sum of Money belonging to the Suitors of the Court of Chancery, which lies dead, and unemployed in the Bank: Wherefore in Order to give Eaſe to the Suitors of the ſaid Court, and likewiſe provide a juſt Support and Maintenance for an Office which is ſo eſſential to the Security of the Suitors Property; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled,

35,000*l.* of the Caſh of the Suitors in Chancery in the Bank to be placed out on Government Securities.

and by the Authority of the ſame, That out of the Caſh that now lies, or ſhall hereafter lie dead and unemployed in the Bank of England, belonging to the Suitors of the Court of Chancery, a Sum not exceeding Thirty five thouſand Pounds, ſhall and may by virtue of any Order or Orders of the ſaid Court to be made for that Purpoſe, from time to time be placed out in one entire Sum, or in Parcels, on ſuch Government or Parliamentary Securities, as in and by ſuch Order or Orders ſhall be directed; to the Intent that the Intereſt and annual Profits ariſing from the Money ſo to be placed out as aforeſaid may be applied for the Purpoſes herein after mentioned; and that the ſaid Court of Chancery may from time to time change the Security or Securities on which the ſaid Monies ſhall be placed, as the ſaid Court ſhall think expedient.

The Intereſt to be received by the Bank.

II. And it is hereby further enacted, That the Intereſt and annual Profits ariſing and to be produced from the ſaid Securities, ſhall from time to time be received by the Governor and Company of the Bank of England, and placed to the Credit of an Account to be raiſed in the Books kept there for the Suitors of the ſaid Court, of Intereſt ariſing from Money placed out in purſuance of this Act; and that out of ſuch Intereſt Money and annual Profits, there ſhall be paid by quarterly Payments the annual Sum of One thouſand and twenty Pounds; which Payment ſhall be made by the Governor and Company of the

Bank

Bank of England, by virtue of an Order or Orders of the Court of Chancery to be made for that Purpose; videlicet, To the Accountant General of the Court of Chancery, the Sum of Six hundred and fifty Pounds; to his first Clerk, the Sum of Two hundred and fifty Pounds; to his second Clerk, the Sum of One hundred and twenty Pounds; which said Salaries shall commence from the Twenty ninth Day of September, in the Year of our Lord One thousand seven hundred and thirty nine; and shall be in lieu of, and in Recompence and Satisfaction for, all Fees whatsoever, which from that Time shall or would be due or payable to the said Office by the Suitors; and that the Residue of the Interest and annual Profits arising and to be produced from the said Securities, shall be accounted for and taken as Part of the common and general Cash of and belonging to the Suitors of the said Court of Chancery, and shall be issued and applied pursuant and according to the Directions of the before recited Act of Parliament, intituled, An Act for Relief of the Suitors of the High Court of Chancery.

Salaries amounting to 1020 *l. per An.* to be paid thereout,

in lieu of Fees;

III. And be it further enacted by the Authority aforesaid, That from and after the said Twenty ninth Day of September, no Fee or Fees whatsoever shall be taken in the said Office for any Matter or Thing directed to be done or performed therein by the Act herein first recited; and that if any Person belonging, or who shall hereafter belong, to the said Office, shall presume to take any Fee or Reward, every such Person shall be looked upon as guilty of Extortion, and shall and may be liable to be prosecuted for the same by Indictment or Information, or upon Complaint thereof made to the Court of Chancery shall be punished for the same as for a Contempt of the Court.

which are to cease from 25 *Sept.* 1739.

IV. Provided always, and it is hereby further enacted and declared, That if at any Time hereafter the whole or any Part of the said Sum of Thirty five thousand Pounds shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the said Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same shall be placed, to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors.

The said Sum, or any Part thereof, to be recalled, in case of need.

CAP. XXV.

An Act to obviate some Doubts which have arisen upon the Construction of an Act made in the First Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act for explaining Part of an Act made in the First Year of the Reign of King* James *the First, concerning tanned Leather*; and for rendering more effectual a Clause in the said last mentioned Act, which obliges Curriers to curry Leather; and for repealing Two Clauses in the said last mentioned Act.

WHEREAS certain Doubts have arisen upon the Construction of an Act passed in the First Year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, *An Act for explaining Part of an Act made in the First Year of the Reign of King* James *the First, concerning tanned Leather*, relating to the cutting and selling of tanned Leather in small Pieces: And whereas the cutting and selling of tanned Leather in small Pieces, for the Use of the various Artificers working up the same into made Wares, is a great Convenience and Advantage to such Artificers, and a Benefit to the Publick in general: May it therefore please Your most Excellent Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, One thousand seven hundred and thirty nine, it shall and may be lawful for all Leathersellers, Curriers, Shoemakers, and all other Persons whatsoever, who do deal or work in Leather, freely to buy all Sorts of tanned Leather in any open Fair or Market, whether curried or uncurried, such Leather being first searched and sealed according to the Form of the Statutes in that Case made and provided; and to cut and sell the same in any small Pieces, whether curried or uncurried, in their publick and open Shops, to the various Artificers who work up and convert the same into their made Wares, or to any other Person or Persons whatsoever; any thing in the said recited Act or any former Acts contained to the contrary thereof in any wise notwithstanding.

Preamble, reciting the Act 1 *W. & M. stat.* 1. *c.* 33.

Liberty granted to buy, cut, and sell Leather, curried or uncurried, in small Pieces.

II. Provided nevertheless, That nothing in this Act contained shall extend, or be construed to extend, to give Liberty to any Person or Persons whatsoever, to make, cause, or procure to be made, any Boots, Shoes, Clogs, or Slippers, or to sew, close, or fit to the Last, or cause or procure to be sewed, closed, or fitted to the Last, Pieces of Leather for making Boots, Shoes, Clogs, or Slippers for Sale, other than such Person or Persons who are or shall be legally intitled to exercise the Trade of a Cordwainer, or such Persons as shall be Coblers or Translators.

Persons unqualified not hereby licensed to exercise the Shoemakers Trade;

III. Provided always, That nothing in this Act contained shall be construed to extend to give a Right to any Leatherseller, Currier, Shoemaker, or any other Person whatsoever, to exercise their respective Trades in any Town-corporate, or Place, where by Law they cannot now exercise the same.

nor Shoemakers to act in any Place against Law.

IV. And for the making more effectual a Clause in the said Act made in the First Year of the Reign of King James the First, which obliges Curriers to curry Leather for the several Artificers working up the same; be it further enacted by the Authority aforesaid, That if any Currier or Curriers shall, from and after the said Twenty fourth Day of June, One thousand seven hundred and thirty nine, refuse to curry any Leather brought or sent to him or them for that Purpose, by any Leathersellers, Shoemakers, or other Persons whatsoever, who do deal or work in Leather, or shall neglect to curry the same within the Space of Sixteen Days, between the Twenty eighth Day of September, and the Twenty fifth Day of March following, and within the Space of Eight Days in the remaining Part of the Year, after such Leather shall be brought or sent and delivered to him or them; such Currier or Curriers, who shall in either of the said Cases offend, shall for every such Offence, being thereof lawfully convicted before any One or more Justice or Justices of the Peace within the County, City, Town-corporate, Liberty, or Place where such Offence

1 *Jac.* I. *c.* 22.

Penalty on Curriers refusing to curry any Leather within a limited Time.

ſhall be committed, by the Oath of One or more credible Witneſs or Witneſſes, forfeit and pay the Sum of Five Pounds, to be recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any there ſhall be) after deducting the Expence of ſuch Diſtreſs and Sale, to the Owners thereof; one Moiety of which Forfeiture ſhall go to the Informer, and the other Moiety to the Poor of the Pariſh where ſuch Offence or Offences ſhall be committed; any thing in the ſaid Clauſe, or in any former Law contained to the contrary thereof in any wiſe notwithſtanding.

Juſtices may mitigate Penalties.

V. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid reſpective Juſtices, where they ſhall ſee Cauſe, to mitigate or leſſen any ſuch Penalties according to their Diſcretion.

Appeal from them to the Quarter Seſſions.

VI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall think himſelf or themſelves aggrieved by the Determination of the Juſtice or Juſtices aforeſaid, it ſhall and may be lawful for ſuch Perſon or Perſons to appeal to the General Quarter Seſſions of the Peace, to be next held for ſuch County, City, Town-corporate, Liberty, or Place, where ſuch Offence ſhall be committed; and that the Determination of the Juſtices, or the major Part of them then and there made, ſhall be concluſive and final, to all Intents and Purpoſes whatſoever; and that no Certiorari ſhall be allowed to remove any Determinations or Proceedings as above directed.

Two Clauſes in the Act 1 *Jac.* I. repealed.

VII. And be it further enacted by the Authority aforeſaid, That the Two Clauſes in an Act made in the Firſt Year of King James the Firſt, intituled, An Act concerning Tanners, Curriers, Shoemakers, and other Artificers, occupying the cutting of Leather, which prohibit any Perſons dwelling in London, the Liberties thereof, or within Three Miles of the ſaid City, occupying wet curried Leather in their Art or Occupation, to put forth ſuch Leather to be curried, but to ſuch Perſons as are free of the Company of Curriers of the City of London, under Pain of Forfeiture of ſuch Leather, or the Value thereof; and alſo prohibiting any Perſons within the ſaid City, or Three Miles Diſtance, to put in any made Wares any curried Leather, before the ſame ſhall be ſearched and allowed by the Wardens of the Curriers of London, and be ſealed with their Seal, upon Pain of forfeiting for every Hide or Skin otherwiſe curried or employed, Six Shillings and Eight Pence, and the Value of ſuch Hide or Skin; ſhall, from and after the ſaid Twenty fourth Day of June, be, and are by this preſent Act repealed and made void to all Intents and Purpoſes whatſoever; any thing in the ſaid recited Act or any other Act contained to the contrary thereof in any wiſe notwithſtanding.

Privileges of the Curriers Company not hereby leſſened.

VIII. Provided nevertheleſs, That nothing herein contained ſhall extend, or be conſtrued to extend, to leſſen or take away any Power or Privilege given to the ſaid Company of Curriers by Charter or Grant, ſo far as they may or can uſe or exerciſe the ſame in the City of London or Liberties thereof.

Publick Act.

IX. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act; and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. XXVI.

An Act for the better preventing Frauds and Abuſes in Gold and Silver Wares.

Preamble, reciting the Acts 28 *Edw.* I. *cap.* 20.

WHEREAS by an Act of Parliament made in the Twenty eighth Year of the Reign of King *Edward* the Firſt, made amongſt other Things for the aſſaying, touching, and marking Veſſels of Gold, it was ordained, That no Goldſmith within the King's Dominions ſhould thenceforth make any Veſſel, Jewel, or other Thing of Gold or Silver, but of true Allay, *videlicet*, Gold not worſe than the Touch of *Paris*; and Silver of the Sterling Allay, or better; and that no Silver Veſſel ſhould depart out of the Worker's Hands, till aſſayed by the Wardens of the Craft, and marked with the *Leopard's Head*; and that the Wardens ſhould go from Shop to Shop amongſt the Goldſmiths, to aſſay if their Gold was of the Touch aforeſaid, and if it was not, the ſame ſhould be forfeited; and that all the good Towns of *England*, where Goldſmiths were, ſhould be ordered by that Statute, as well as thoſe in *London*; and that one (for the reſt) from each Town ſhould come to *London*, to be aſcertained of the Touch; and if any Perſon ſhould offend againſt that Statute, he ſhould be puniſhed by Impriſonment, and Ranſom at the King's Pleaſure: And whereas
2 *Hen.* VI. *c.* 14. by another Act of Parliament made in the Second Year of the Reign of King *Henry* the Sixth, concerning the Fineneſs of Harneſs of Silver, and the Marks with which it ſhould be marked, it was amongſt other Things ordained and eſtabliſhed, That no Goldſmith nor Worker of Silver within the City of *London*, ſhould ſell any Workmanſhip of Silver, unleſs it ſhould be Fine as Sterling, except the ſame ſhould need Soder in the making, nor until the ſame ſhould be touched with the Touch of the *Leopard's Head*, if it might bear the ſame, and alſo with the Workman's Mark, on Pain to forfeit double the Value; and that the Workman's Mark ſhould be made known to the Wardens of the ſame Craft: And whereas by another Act of Parlia-
18 *Eliz.* *c.* 15. ment made in the Eighteenth Year of the Reign of Queen *Elizabeth*, intituled, *An Act for Reformation of Abuſes in Goldſmiths*, it was enacted, That after the Twentieth of *April* then next, no Goldſmith ſhould work, ſell, or exchange, or cauſe to be wrought, ſold, or exchanged, any Plate or Goldſmiths Ware of Gold leſs in Fineneſs than Twenty two Carracts, nor with more than neceſſary Soder; nor ſhould make, ſell, or exchange any Plate or Goldſmiths Wares of Silver, leſs in Fineneſs than Eleven Ounces Two-peny Weight; nor put to ſale, exchange, or ſell any Plate or Goldſmiths Work of Silver, before he ſhould have ſet his own Mark thereto, if it might bear the ſame, upon Pain to forfeit the Value of the Thing ſo ſold or exchanged:
12 *W.* III. *c.* 4. And whereas by another Act of Parliament made in the Twelfth Year of the Reign of his late Majeſty King *William* the Third, intituled, *An Act for appointing Wardens and Aſſay-maſters for aſſaying wrought Plate in the Cities of* York, Exeter, Briſtol, Cheſter, *and* Norwich, it was amongſt other things enacted, That the Goldſmiths, Silverſmiths, and Plate-workers, who then were, or ſhould be free of, and inhabiting in, any of thoſe Cities, and having ſerved Apprenticeſhips thereto, ſhould be and were thereby reſpectively incorporated a Company of and belonging to ſuch City, and ſhould be called and known by the Name of the Company of *Goldſmiths* of ſuch City reſpectively, and were thereby authorized to elect Two Wardens yearly, and to elect an Aſſayer in each of the ſaid Cities; and that it ſhould be lawful for ſuch Aſſayer to detain Eight Grains from every Pound Troy of Silver he ſhould aſſay; and that ſuch Aſſayer ſhould be paid towards his Charge and Trouble in the aſſaying the Plate of Perſons inhabiting any Town or Place where no Aſſayer was or ſhould be

be appointed, a Sum not exceeding Six Pence in every Pound Troy; and the Goldſmiths of the Town of *Newcaſtle upon Tyne* have, by an Act paſſed in the Firſt Year of the Reign of her late Majeſty Queen *Anne*, been incorporated with the like Powers: And whereas the Wardens and Commonalty of the Myſtery of *Goldſmiths* of the City of *London* are and have been a Guild or Corporation Time out of Mind, with divers Privileges, confirmed and enlarged from time to time by ſeveral Charters from His Majeſty's Royal Predeceſſors, Kings and Queens of this Realm (amongſt other Things) for the ſearching, aſſaying, ſuperviſing, marking, and regulating Wrought Plate, in order to aſcertain the Standard thereof, for the Good and Safety of the Publick: And whereas his late Majeſty King *Charles* the Second, by his Letters Patent under his Great Seal of *England*, bearing Date the Fourth Day of *January*, in the Eighteenth Year of his Reign, reciting, That the Wardens of the ſaid Company, in puniſhing Defaults in the ſaid Trade, had been at great Charges, and at the Peril of their Bodies, as well as the Loſs of their Goods, ſo that the Wardens then late, on account of the Menaces and Aſſaults from the Workers, could not put into Execution the Authorities given to them by former Charters, and many Frauds had been committed; therefore his ſaid Majeſty King *Charles* the Second, by his ſaid Letters Patent, impowered the Wardens of the ſaid Company of *Goldſmiths* of *London*, and their Succeſſors, to commit Offenders to Priſon, and to ſet Fines upon them, and to ſeize and break deceitful Wares: And whereas the Standards of the Plate of this Kingdom are both for the Honour and Riches of the Realm, and ſo highly concern His Majeſty's Subjects, that the ſame ought to be moſt carefully obſerved, and all Deceits therein to be prevented as much as poſſible; but notwithſtanding the aforeſaid ſeveral Acts of Parliament and Charters, great Frauds are daily committed in the manufacturing of Gold and Silver Wares, for want of ſufficient Power effectually to prevent the ſame; **now for remedying ſuch Abuſes for the future, may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty eighth Day of** May, **One thouſand ſeven hundred and thirty nine, no Goldſmith, Silverſmith, or other Perſon whatſoever making, trading, or dealing in Gold or Silver Wares, within that Part of** Great Britain **called** England, **ſhall work or make, or cauſe or procure to be wrought or made any Gold Veſſel, Plate, or Manufacture of Gold whatſoever, leſs in Fineneſs than Twenty two Carracts of fine Gold in every Pound Weight Troy; nor work or make, or cauſe or procure to be wrought or made, any Silver Veſſel, Plate, or Manufacture of Silver whatſoever, leſs in Fineneſs than Eleven Dunces Two peny Weight of fine Silver in every Pound Weight Troy; nor ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Gold Veſſel, Plate, or Manufacture of Gold whatſoever, made after the ſaid Twenty eighth Day of** May, **One thouſand ſeven hundred and thirty nine, leſs in Fineneſs than Twenty two Carracts of fine Gold in every Pound Weight Troy; nor ſell, exchange, or expoſe to Sale, or export out of this Kingdom, any Silver Veſſel, Plate, or Manufacture of Silver whatſoever, made after the ſaid Twenty eighth Day of** May, **One thouſand ſeven hundred and thirty nine, leſs in Fineneſs than Eleven Dunces Two peny Weight of fine Silver in every Pound Weight Troy; upon Pain that every ſuch Goldſmith, Silverſmith, or other Perſon for every ſuch Offence ſhall forfeit and pay the Sum of Ten Pounds, to be recovered and diſpoſed of as herein after is mentioned; and for Default of Payment the Offender ſhall be committed by the Court, in which Judgement ſhall be given thereon, to the Houſe of Correction for the County, City, or Liberty where convicted; there to remain, and be kept to hard Labour, for any Time not exceeding the Space of Six Months, or until Payment be made of the ſaid Forfeiture.**

Fineneſs of Gold and Silver Wares limited.

II. **Provided always, and it is hereby declared, That nothing in this Act ſhall extend to any Jewellers Works, that is to ſay, any Gold or Silver wherein any Jewels or other Stones are or ſhall be ſet (other than Mourning Rings) nor to any jointed Night Earrings of Gold, or Gold Springs of Lockets.**

This Act not to extend to Jewellers Works (except Mourning Rings)

III. **Provided alſo, and it is hereby enacted, That if any Shopkeeper, or other Perſon trading or dealing in Gold or Silver Wares (not being the Maker or Worker thereof) ſhall happen to export, ſell, or expoſe to Sale any Gold or Silver Wares worſe than the reſpective Standards, and ſhall within Fourteen Days next after Notice of the Coarſeneſs thereof to him or her given, diſcover and make known to the Party aggrieved, or to the Maſter, Wardens, or Clerk of any of the Companies of Goldſmiths belonging to the Place or Diſtrict within which ſuch Shopkeeper, or other Perſon trading or dealing in Gold or Silver Wares as aforeſaid, ſhall reſide, the Name and Place of Abode of the Maker or Worker thereof, or of the Perſon or Perſons of whom ſuch Shopkeeper, or other Perſon trading or dealing in Gold or Silver Wares as aforeſaid, really bought ſuch coarſe Gold or Silver Wares; and ſhall produce him, her, or them, if living, ſo that he, ſhe, or they may be ſued or proſecuted for the ſame; and if ſuch Shopkeeper, or other Perſon trading or dealing in Gold or Silver Wares, who ſold, expoſed to Sale, or exported the ſame, ſhall, at any Trial to be had againſt ſuch Maker or Worker, or ſuch other Perſon or Perſons of whom the ſame were bought as aforeſaid, for ſuch Offence, give or provide material Evidence againſt ſuch Maker or Worker, or ſuch other Perſon of whom the ſame were bought as aforeſaid; and the Judge before whom the Cauſe ſhall be tried, ſhall under his Hand upon the Record certify the ſame; and alſo that there did not on ſuch Trial appear any Ground to believe that ſuch Shopkeeper, or other Perſon trading or dealing in Gold or Silver Wares as aforeſaid, was concerned in or privy to ſuch Fraud; or if ſuch Shopkeeper or Dealer ſhall on the Trial of any Suit or Proſecution againſt him, her, or themſelves, concerning the Premiſſes, prove that he, ſhe, or they delivered to ſuch Maker or Worker a ſufficient Quantity of Standard Gold or Silver to make the ſaid Wares, and paid a reaſonable Price for the Faſhion thereof, or paid ſuch Maker or Worker, or other Perſon or Perſons, a Market Price for Standard Gold or Silver of that Weight, beſides a reaſonable Price for the Faſhion thereof; then and in any or either of the ſaid Caſes ſuch Shopkeeper or Dealer ſhall be and is hereby exempted and diſcharged from any Penalty or Forfeiture to be incurred by this Act for exporting, ſelling, or expoſing to Sale ſuch coarſe Gold or Silver Wares as aforeſaid, and from any Action, Suit, or Proſecution for the ſame; any thing herein contained to the contrary in any wiſe notwithſtanding.**

How Shopkeepers are to be exempted from Proſecutions.

IV. Provided

No Trial against them, but within 4 Terms.

IV. Provided always, That it shall not be necessary for such Shopkeeper or other Person trading or dealing in Gold or Silver Wares, who sold, exposed to Sale, or exported such coarse Gold or Silver Wares as aforesaid, to give or produce such material Evidence, or to procure such Certificate as aforesaid, in order to his Indemnity or Discharge from any Penalty or Forfeiture by virtue of this Act, unless such Trial against such Maker or Worker, or other Person of whom the same were bought as aforesaid, shall be had within Four Terms after such Discovery made as aforesaid respectively; nor unless reasonable Notice shall be given to such Shopkeeper or other Person trading or dealing in Gold or Silver Wares as aforesaid, of the Time of such Trial.

Penalty on selling or exporting Gold or Silver Wares before marked.

V. And be it further enacted by the Authority aforesaid, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, no Goldsmith, Silversmith, or other Person whatsoever, making or selling, trading or dealing in, Gold or Silver Wares, shall sell, exchange, or expose to Sale, within that Part of Great Britain called England, any Gold or Silver Vessel, Plate, or Manufacture of Gold or Silver whatsoever, made after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, or export the same out of this Kingdom, until such time as such Vessel, Plate, or Manufacture of Gold (being of the Standard of Twenty two Carracts of fine Gold per Pound Troy) and such Vessel, Plate, or Manufacture of Silver (being of the Standard of Eleven Ounces Two-peny Weight of fine Silver per Pound Troy) shall be marked as followeth; that is to say, with the Mark of the Worker or Maker thereof, which shall be the first Letters of his Christian and Surname, and with these Marks of the said Company of Goldsmiths in London, viz. the Leopard's Head, the Lion Passant, and a distinct variable Mark or Letter to denote the Year in which such Plate shall be made; or with the Mark of the Worker or Maker, and with the Marks appointed to be used by the Assayers of York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne; or Plate (being of the Standard of Eleven Ounces Ten-peny Weight of fine Silver per Pound Weight Troy) with the Mark of the Worker or Maker thereof, which shall be the first Letters of his Christian and Surname, as aforesaid, and with these Marks of the said Company, viz. the Lion's Head erased, the Figure of a Woman, commonly called Britannia, and the said Mark or Letter to denote the Year as aforesaid; or with the Mark of the Worker or Maker, and the Marks of One of the said Cities or Towns; upon Pain that every such Goldsmith, Silversmith, and other Person, for every such Offence shall forfeit and pay the Sum of Ten Pounds, to be recovered and disposed of as herein after is mentioned; and for Default of Payment, shall be committed by the Court in which Judgement shall be given thereon, to the House of Correction for the County, City, or Liberty, where convicted, there to remain and be kept to hard Labour for any Time not exceeding the Space of Six Months, or until Payment be made of the said Forfeiture.

Wares excepted.

VI. Provided also, and it is hereby declared, That nothing in this Act contained shall extend to oblige any of the following Wares of Gold or Silver to be stamped or marked by the said respective Companies of Goldsmiths, or any of them; that is to say, Rings, Collets for Rings or other Jewels, Chains, Necklace Beads, Lockets, hollow or raised Buttons, Sleeve Buttons, Thimbles, Coral Sockets and Bells, Ferrils, Pipe Lighters, Cranes for Bottles, very small Book Clasps, any Stock or Garter Clasps jointed, very small Nutmeg Graters, Rims of Snuff Boxes, whereof Tops or Bottoms are made of Shell or Stone, sliding Pencils, Toothpick Cases, Tweezer Cases, Pencil Cases, Needle Cases, any Philligree Work, any Sorts of Tippings or Swages on Stone or Ivory Cases, any Mounts, Screws, or Stoppers to Stone or Glass Bottles, or Phials, any small or slight Ornaments put to Amber or other Eggs or Urns, any wrought Seals, or Seals with Cornelian or other Stones set therein, or any Gold or Silver Vessel, Plate, or Manufacture of Gold or Silver so richly engraved, carved, or chased, or set with Jewels or other Stones, as not to admit of an Assay to be taken of, or a Mark to be struck thereon, without damaging, prejudicing, or defacing the same, or such other Things as by reason of the smallness or thinness thereof are not capable of receiving the Marks herein before mentioned or any of them, and not weighing Ten-peny Weight of Gold or Silver each.

Clause in the Act 12 *W.* III. repealed.

VII. And whereas by a Clause contained in the said recited Act made in the Twelfth Year of the Reign of his late Majesty King *William* the Third, it was enacted, That if any Person should counterfeit any of the Stamps appointed by that Act to be used by the Wardens or Assayers therein mentioned for marking wrought Plate, or any of the Stamps used by the Wardens of the Company of Goldsmiths of the City of *London*, such Person should for every such Offence forfeit the Sum of Five hundred Pounds, to be recovered and disposed of as therein is mentioned: And whereas the said Penalty or Forfeiture of Five hundred Pounds for counterfeiting the Stamps on wrought Plate is by Experience found to be too great a Penalty or Forfeiture, and hath been some Occasion of Persons escaping unpunished, who have been guilty of counterfeiting the said Stamps, whereby the good Intention of the said Act hath been evaded; be it therefore enacted by the Authority aforesaid, That the said Clause, and the Powers therein contained, shall from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, cease and determine; any thing therein contained to the contrary notwithstanding.

100 *l.* Penalty on forging Stamps.

VIII. And be it further enacted, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, if any Goldsmith or Silversmith, or other Person whatsoever, shall cast, forge, or counterfeit, or cause or procure to be cast, forged, or counterfeited, any of the Marks or Stamps of the said Company of Goldsmiths in London, or any of the Marks or Stamps appointed to be used for marking wrought Plate at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any of them; or shall cast, forge, or counterfeit, or cause to procure to be cast, forged, or counterfeited, any Mark, Stamp, or Impression, to resemble any Mark, Stamp, or Impression, to be made with any Mark or Stamp to be used by the said Company of Goldsmiths in London, or by the Wardens or Assayers at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any of them, in pursuance of this Act or any other Acts of Parliament now in Force; or shall mark or stamp, or cause or procure to be marked or stamped, with any such counterfeit

Mark or Stamp, any wrought Plate of Gold or Silver whatsoever, or any Wares of Brass, or other base Metal silvered or gilt over, and resembling Plate of Gold or Silver; or shall transpose or remove, or cause or procure to be transposed or removed, from one Piece of wrought Plate to another, or to any Vessel of such base Metal as aforesaid, any of the Marks, Stamps, or Impressions made, or to be made, by or with any of the Marks or Stamps of the said Company of Goldsmiths in London, or of the Wardens or Assayers at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, or any of them, used or to be used for the Purposes aforesaid, in pursuance of this or any other Act of Parliament now in Force; or shall sell, exchange, or expose to Sale any Manufacture of Gold or Silver, or export the same out of this Kingdom, with any such forged or counterfeit Mark, Stamp, or Impression thereon, or any Mark, Stamp, or Impression so transposed or removed from another Piece of Plate as aforesaid, knowing such Mark, Stamp, or Impression to be forged, counterfeited, or transposed or removed as aforesaid; then such Goldsmith, Silversmith, or other Person shall for every or any of the said Offences forfeit and pay the Sum of One hundred Pounds, to be recovered and disposed of as in this Act is mentioned; and for Default of Payment thereof, or any Part thereof, shall be committed by the Court in which Judgement shall be given thereon, to the House of Correction for the County, City, or Liberty where convicted, there to remain and be kept to hard Labour for any Time not exceeding the Space of Two Years, or until Payment be made of the said Forfeiture.

IX. And whereas great Frauds and Abuses are daily committed by the private working and manufacturing of Silver Plate, without the Notice or Knowledge of the Commissioners or Officers appointed by His Majesty for managing the Duty, notwithstanding the Powers given for preventing the same by an Act made in the Sixth Year of the Reign of His late Majesty King *George*, for laying a Duty on wrought Plate: Clause to prevent the private working of Silver Plate. 6 *Geo.* I. *c.* 11.

Now for the better preventing such Frauds and Abuses, and the Discovery of such private Work-houses or Places for the future; be it enacted by the Authority aforesaid, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, every working Goldsmith and Silversmith, and other Manufacturer of Gold or Silver whatsoever, who shall at any time or times after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, work or make, or cause to be wrought or made, any Gold or Silver Vessel, Plate, or Manufacture of Gold or Silver whatsoever, by this Act required to be marked by the said Company of Goldsmiths, or by the said Wardens or Assayers at the Cities or Places aforesaid respectively, shall from time to time send with every Parcel of such Gold or Silver to the Assay-office of the said Company, or to the said Wardens or Assayers, a Note or Memorandum in Writing containing the Day of the Month and Year, the Christian and Surnames of the Worker or Maker, and Place of his Abode, all the Species in such Parcel of Plate, and the Number of each Species, with the total Weight of such Parcel; which Note or Memorandum shall be entered in like Manner by some Officer or Servant of the said Company, or by the said Wardens or Assayers, or their Servants, in one or more of their Book or Books, and shall be afterwards filed; and the Officer or Servant of the said Company, or such Warden or Assayer as aforesaid, who shall so enter and file such Notes or Memorandums, shall monthly transmit or deliver on Oath into the Excise-office all the Notes or Memorandums by him or them received of or for Silver Plate assayed and marked at the respective Assay-offices, or true Copies thereof; and the Commissioners of Excise shall and may, and they are hereby fully authorized and impowered Monthly or oftner if they shall think fit, to appoint any Person or Persons to inspect and examine the Book or Books in the Assay-offices, in order to check any Account or Accounts of wrought Plate chargeable with the said Duty; and for every Default of such Goldsmith, Silversmith, or Manufacturer of Gold and Silver, and of such Officer or Servant of the said Company of Goldsmiths as aforesaid, and for every Default of such Warden or Assayer at any of the said other Cities or Places, touching or concerning any of the before-mentioned Premisses, he, each, and every of them, shall forfeit and pay the Sum of Five Pounds, to be recovered and disposed of as herein after is mentioned; and for want of Payment the Offender shall be committed by the Court, in which Judgement shall be given thereon, to the House of Correction for the County, City, or Liberty where convicted, there to remain and be kept to hard Labour for any time not exceeding the Space of Three Months, or until Payment be made of the said Forfeiture.

X. And whereas by a Clause contained in the said Act of the Sixth Year of the Reign of His late Majesty King *George* the First, it is enacted, That any Person or Persons exporting by way of Merchandize for any foreign Parts any wrought Plate or Manufactures of Silver charged by the said Act with the said Duty of Six Pence *per* Ounce, which was made or marked after the First Day of *June*, One thousand seven hundred and twenty, and giving sufficient Security before the shipping thereof for Exportation, that such Plate or Manufactures of Silver shall not be re-landed or brought again into *Great Britain*, and making Oath or Affirmation that the same was actually made or marked after the said First Day of *June*, One thousand seven hundred and twenty; every such Person shall be paid a Drawback or Allowance of Six Pence for every Ounce of such Plate or Manufactures of Silver so exported, by the Collector or Receiver, or by the Commissioners of the said Duty on Plate in Manner by the said Act directed: And whereas by virtue or under colour of the said Clause, for giving the said Drawback or Allowance, great Frauds and Abuses have been committed in the said Duty, by frequent Exportations of very old Silver Plate out of this Kingdom, not fit for any Use but to be melted down, and by drawing back the said Duty of Six Pence *per* Ounce thereupon: No Drawback on the Exportation of Silver Plate above 7 Years old.

Now for the preventing of such Frauds and Abuses for the future, be it enacted by the Authority aforesaid, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, no Debenture shall be granted, nor any Drawback or Allowance whatsoever shall be paid, on the Exportation of such Plate or Manufactures of Silver out of this Kingdom, in case the same shall have been made Seven Years or more before the Day of the entering of the same for Exportation; any Thing in the said last mentioned Act or any other Act of Parliament to the contrary hereof in any wise notwithstanding.

XI. And

XI. And whereas it may be neceſſary to uſe a greater Quantity of Soder in or about one Piece of wrought Plate more than another, ſo that the ſame cannot be aſcertained by any general Rule, and there being great Frauds daily committed by uſing too much Soder in or about, or by putting the ſame upon wrought Plate, and there cannot be any certain Rule preſcribed for the Forwardneſs in the Workmanſhip that every particular Piece of Plate ought to be of before it ſhall be marked; be it therefore enacted by the Authority aforeſaid, That from and after the ſaid Twenty eighth Day of May, One thouſand ſeven hundred and thirty nine, it ſhall and may be lawful to and for any Warden or Deputy Warden of the ſaid Company of Goldſmiths in London, or to and for any Warden or Aſſayer of York, Exeter, Briſtol, Cheſter, Norwich, and Newcaſtle upon Tyne (ſuch Warden, Deputy Warden, or Aſſayer, being or having been a working Goldſmith or Silverſmith) to adjudge, order, and determine what Soder is neceſſary in or about every Piece of Plate which ſhall be brought or ſent to the ſaid Aſſay-offices to be aſſayed or marked, and how forward in the Workmanſhip thereof the ſame ought to be, and whether all the Pieces are put or affixed together, or not, which are intended to be put or affixed together on his or their ſeeing the ſame; and when ſuch Warden, Deputy Warden, Wardens, or Aſſayers, or any of them, ſhall adjudge any Piece or Parcel of Plate to be too much charged with Soder, or not forward enough in the Workmanſhip thereof, or the Pieces not put or affixed together, that (as he or they think) are intended to be put or affixed together, or that any ſuch Piece of Plate is uncapable of being marked as aforeſaid, he or they ſhall and may refuſe to permit the ſame to be aſſayed or marked for any of the Cauſes aforeſaid.

Wardens to determine the Quantity of Soder.

Appeal from them.

XII. Provided always, and it is hereby declared, That every Perſon who ſhall think him or herſelf any way aggrieved, prejudiced, or damaged by any Judgement, Order, or Determination of any ſuch Warden or Deputy Warden of the ſaid Company of Goldſmiths in London, purſuant to the Powers herein before given, or any of them, may appeal to the other Wardens of the ſaid Company for the time being, or any Two of them, or to the Meeting of the Standing Committee of the ſaid Company; and if not ſatisfied with the Determination of the ſaid Wardens or Committee, may appeal from thence to the Court of Aſſiſtants of the ſaid Company, or may appeal in the firſt Inſtance to the ſaid Court of Aſſiſtants, by Writing under his or her Hand, deſiring their Order or Judgement thereupon, who upon ſuch Complaint, on hearing the Caſe, are hereby reſpectively authorized and required to determine the ſame; but the Order and Determination of the Court of Aſſiſtants of the ſaid Company ſhall be final and concluſive.

XIII. And whereas the Wardens and Commonalty of the Myſtery of Goldſmiths of the City of *London* have for many Years laſt paſt been at very great Trouble and Expences in aſſaying and marking wrought Plate, and the ſame hath of late Years very much increaſed, by their aſſaying and marking ſeveral Sorts of ſmall Wares of Gold and Silver, which were not heretofore uſually aſſayed and marked, and of which there are much greater Quantities now made than were heretofore made; therefore for the better enabling the ſaid Company to defray ſuch Expences for the future, be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty eighth Day of May, One thouſand ſeven hundred and thirty nine, it ſhall and may be lawful to and for the ſaid Wardens and Commonalty, and their Succeſſors, or ſuch Perſon or Perſons as the Court of Aſſiſtants of the ſaid Company ſhall authorize and appoint, to ask, demand, take, and receive of and from all and every ſuch Perſon and Perſons as ſhall from time to time bring or ſend to the Aſſay-office belonging to the ſaid Company, any Piece or Parcel of wrought Plate of Gold or Silver to be aſſayed, tried, and marked, ſuch Prices, Sums of Money, or Rewards, as they ſhall from time to time think fit, ſo as ſuch Prices, Sums of Money, or Rewards do not exceed the ſeveral and reſpective Prices, Sums of Money, and Rewards following; that is to ſay, For aſſaying, trying, and marking Gold Watch Caſes or Gold Watch Boxes, Ten Pence apiece; for Gold Hooks for Watch Chains, Ten Pence apiece; for Gold Buckles, Five Pence apiece; for Gold Snuff Boxes, Fifteen Pence apiece; for every other Piece or Parcel of wrought Gold, weighing Thirty Ounces, or under, Two Shillings and ſix Pence; for ſuch Piece or Parcel of wrought Gold weighing above Thirty Ounces to Fifty Ounces, Three Shillings and nine Pence; and ſo in Proportion for greater Pieces or Parcels.

Prices for the aſſaying wrought Plate limited.

XIV. Provided nevertheleſs, That if any Parcel or ſingle Piece of wrought Gold ſhall be brought or ſent to the ſaid Office to be aſſayed, which according to the Rates or Prices above limited ſhall not amount to the Sum of Fifteen Pence; that then there ſhall be paid for aſſaying and marking ſuch Parcel or ſingle Piece of wrought Gold, a Price or Reward not exceeding Fifteen Pence; any Thing herein contained to the contrary in any wiſe notwithſtanding.

XV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Wardens and Commonalty, and their Succeſſors, or for ſuch Perſon or Perſons as the Court of Aſſiſtants of the ſaid Company ſhall authorize and appoint, to ask, demand, take, and receive of and from all and every Perſon and Perſons who ſhall from time to time, after the ſaid Twenty eighth Day of May, One thouſand ſeven hundred and thirty nine, bring or ſend to the ſaid Aſſay-office any Piece or Parcel of large Silver Plate weighing Four Pound Weight Troy, or leſs, for the aſſaying and marking every ſuch Piece or Parcel, a Sum of Money or Reward not exceeding Five Pence; and for every Piece or Parcel of ſuch Plate weighing above Four Pound Weight Troy, there ſhall be taken out and detained, a Diet not exceeding Ten Grains per pound Weight Troy: And the ſaid Wardens and Commonalty, and their Succeſſors, and ſuch Perſon or Perſons as the Court of Aſſiſtants of the ſaid Company ſhall authorize and appoint, ſhall and may, and they are hereby impowered to ask, demand, take, and receive for aſſaying, trying, and marking the ſeveral ſmall Wares of Silver following, of and from the Perſon and Perſons, who ſhall from time to time after the ſaid Twenty eighth Day of May, One thouſand ſeven hundred and thirty nine, bring the ſame to the ſaid Aſſay-office to be aſſayed and marked, ſuch Prices or Sums of Money, as they ſhall from time to time think fit, ſo as ſuch Prices or Sums of Money do not exceed the Prices or Sums of Money following; that is to ſay, For every Sword-hilt, Five Pence;

for

for every Snuff-box, Three pence three farthings; for every Pair of Spurs, Three pence three farthings; for every Watch-case, or Watch-box, Two pence halfpeny; for every Knife or Fork-haft, Five farthings; for every Pair of Buckles, One half-peny; for every Pair of Tea-tongs, Five farthings; for every Dozen of Tea-spoons, or Tea-strainers, Three pence three farthings; for Belt-buckles, Belt-locks, Runners, and Pendants, Two pence halfpeny apiece; for every Orange-strainer, or Nutmeg-grater, Five farthings; for every Dram-cup, Three farthings; for every Dozen of Seals, Three pence three farthings; for every Salt-seller, Five farthings; for every Pair of Clasps, Three farthings; and for every Dozen of Buttons, Three pence three farthings.

XVI. Provided nevertheless, That if any Parcel or single Piece of wrought Silver Plate shall be brought or sent to the said Office to be assayed, which according to the respective Rates or Prices herein before limited shall not amount to the Sum of Five pence; then there shall be paid for assaying and marking such Parcel or single Piece of Silver Plate, a Sum of Money or Reward not exceeding Five pence; any thing herein contained to the contrary in any wise notwithstanding.

Penalty on refusing to pay the Prices of assaying, &c.

XVII. Provided always, and it is hereby enacted and declared, That if any Person or Persons shall refuse or neglect to pay such respective Prices, Sums of Money, or Rewards, as may by this Act be demanded, and are hereby respectively required to be paid on Account or for the Purposes aforesaid; that then it shall be lawful for any Warden or Deputy-warden of the said Company for the time being, to refuse to assay, try, or mark all or any of the Plate of such Person or Persons so neglecting to pay, until such Prices, Sums of Money, or Rewards as aforesaid, shall be actually paid.

The same Prices to be paid at *York, Exeter*, &c.

XVIII. Provided also, and it is hereby declared, That it shall and may be lawful to and for the Assayers at York, Exeter, Bristol, Chester, Norwich, and Newcastle upon Tyne, and every of them for the time being, to ask, demand, take, and receive the like Rates or Prices respectively, for assaying and marking wrought Plate of Gold or Silver, as the Company of Goldsmiths in London are hereby impowered to receive and take, and shall and may refuse to assay, try, or mark Plate, for any default of Payment.

Overplus (if any) how to be applied.

XIX. Provided likewise, and it is hereby enacted and declared, That in case the said Prices, Sums of Money, or Rewards hereby given, granted, or allowed for the assaying and marking wrought Plate, shall raise more Money than shall be sufficient to defray the necessary Expences of the said respective Assay-offices, then the Overplus Money (if any) shall be applied from time to time in the prosecuting Offenders against this Act; and if such Prosecutions shall not require the whole Overplus (if any) that then the said Prices, Sums of Money, or Rewards, shall afterwards be lessened in Proportion by the said respective Companies of Goldsmiths; and they are hereby required to take so much less for the assaying, trying, and marking wrought Plate for the future, as will answer the Purposes aforesaid only, without bringing any Profit to any of the said respective Companies; any thing herein contained to the contrary hereof in any wise notwithstanding.

Assay-office to be kept open from 7 till 9 in the Morning, &c.

XX. And be it further enacted by the Authority aforesaid, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, the Assay-office of the said Company of Goldsmiths in London shall be kept open for the taking in Plate, from Seven of the Clock in the Morning till Nine of the Clock of the same Morning, every working Day or Hall Day; and the Weigher shall take in the same with the Notes or Memorandums thereof hereby directed to be sent therewith, and he shall weigh and take an Account thereof before the same be assayed, and afterwards weigh the Plate back, and deliver the same to the Owner or his Order; and when and as often as the common Assayer or common Assayers of the said Company, or such common Assayer or common Assayers, or his and their Assistant or Assistants, or any of them (such Assayers and Assistants being from time to time appointed by the Court of Assistants of the said Company, and sworn truly to execute their respective Offices) or any Assayer at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne, shall find or discover any Parcel of Plate to be of a coarser Allay than the said respective Standards, and shall so report the same after Three Assays made thereof; then and in every such Case it shall and may be lawful to and for any Warden or Deputy-warden of the said Company of Goldsmiths in London, or any Warden of the Company at any of the Cities or Places aforesaid, to cut, break, and deface, or cause to be cut, broken, and defaced, such Parcel of Plate, at any Time after Three Days next after the last Assay made thereof, and not sooner, unless the Person who brought or sent the same desire it to be broken and delivered to him sooner; and there shall nevertheless be paid for the assaying of the same such Rates or Prices as are herein before limited for assaying and marking, as if such Parcel of Plate had been really marked.

Penalty on not entering New Marks, &c.

XXI. And be it enacted by the Authority aforesaid, That from and after the said Twenty eighth Day of May, One thousand seven hundred and thirty nine, all and every Person and Persons, who shall work or make, or cause to be wrought or made, any Gold or Silver Vessel, Plate, or Manufacture of Gold or Silver whatsoever, within that Part of Great Britain called England, shall first enter his, her, and their New Marks, Names, and Places of Abode, in the said Assay-office of the said Company of Goldsmiths in London, or in the Assay-office at York, Exeter, Bristol, Chester, Norwich, or Newcastle upon Tyne; which New Marks shall be of a Character or Alphabet different from their Old Marks; and all his, her, and their Old Marks, if he, she, or they have any, shall be broken or defaced by or in the Presence of the Assayer; on pain that every Person and Persons offending therein, shall for every or any of the said Offences forfeit and pay the Sum of Ten Pounds, and the further Sum of Ten Pounds for using any other Mark, to be recovered and disposed of as herein after is mentioned, and for Default of Payment shall be committed by the Court, in which Judgement shall be given thereon, to the House of Correction for the County, City, or Liberty where convicted, there to remain and be kept to hard Labour for any time not exceeding the Space of Six Months, or until Payment be made of the said Forfeiture.

Forfeitures how to be recovered.

XXII. And for the better Recovery of the several Penalties and Forfeitures imposed by this Act; be it enacted by the Authority aforesaid, That the said Penalties and Forfeitures, and every of them, shall and may be recovered, with full Costs of Suit, by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which Actions or Suits the Defendants shall give or put in Special Bail; and wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and one Moiety of the said Penalties and Forfeitures, and every of them, shall go to the Use of His Majesty, His Heirs, and Successors, and the other Moiety to the Person who shall sue for the same.

Limitation of Actions.

XXIII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against the said Wardens and Commonalty, or against any of the Wardens of the said respective Companies, at the Cities or Places aforesaid, or any of their Officers, or any other Person or Persons, for any thing done in pursuance of this present Act or in relation to the Premisses, that in every such Case the Action or Suit shall be brought or commenced before the End of the next Term after the Fact committed, and not afterwards; and shall be laid and brought in the County, City, Town, or Place where the Assay-office is or shall be kept whose Officer or Officers shall be complained of and not elsewhere; and the Defendant or Defendants in such Action or

General Issue.

Actions, Suit or Suits to be brought or commenced, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this present Act: And if it shall appear so to be done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place, than aforesaid, that then and in such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble

Treble Costs.

Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Publick Act.

XXIV. And be it further enacted by the Authority aforesaid, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

CAP. XXVII.

An Act for explaining and amending an Act made in the Eighth Year of the Reign of King *Richard* the Second, intituled, *No Man of Law shall be Justice of Assize or Gaol Delivery in his own Country*; and another Act made in the Thirty third Year of the Reign of King *Henry* the Eighth, intituled, *An Act that none shall be Justice of Assize in his own Country*, &c.

Preamble, reciting the Acts 8 *Ric.* II. *cap.* 2.

and 33 *Hen.* 8. *cap.* 24.

WHEREAS by an Act made in the Eighth Year of the Reign of King *Richard* the Second, intituled, *No Man of Law shall be Justice of Assize or Gaol Delivery in his own Country*; it is enacted, That no Man of Law shall from thenceforth be Justice of Assize, or of the common Deliverance of Gaols, in his own Country: And whereas by an Act made in the Thirty third Year of King *Henry* the Eighth, intituled, *An Act that none shall be Justice of Assize in his own Country*, &c. it is amongst other things enacted, That no Justice nor other Man learned in the Law of this Realm shall use or exercise the Office of Justice of Assize within any County where the said Justice was born or doth inhabit, upon pain to forfeit for every Offence done contrary to the said Act, One hundred Pounds: And whereas such Acts have been construed to extend, not only to Justices of Assize and Justices of Gaol Delivery, but also to Justices of *Nisi prius*, and Justices of *Oyer* and *Terminer*; which Construction hath been attended with very great Inconveniencies; for Remedy thereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be

Justices impowered to act in their own Counties.

lawful from time to time and at all times hereafter, to and for the Chief Justice and Justices of either Bench, and to and for the Chief Baron, and other Barons of the Court of Exchequer, and to and for any other Person or Persons learned in the Law, who shall be appointed Justice or Justices of Oyer and Terminer or Gaol Delivery in any County or Counties within that Part of Great Britain called England, to use and exercise the Office or Offices of Justice or Justices of Oyer and Terminer or Gaol Delivery, in any such County or Counties, notwithstanding they or any of them shall have been born or do inhabit within any such County or Counties, and that they shall not be liable for so doing to the said Penalty or Forfeiture of One hundred Pounds, or to any other Forfeiture or Penalty whatsoever; any thing in the said recited Acts, or either of them, or any other Law, Custom, or Usage to the contrary in any wise notwithstanding.

CAP. XXVIII.

An Act for the more effectual preventing of excessive and deceitful Gaming.

Preamble reciting the Acts 10 & 11 *W.* III. *cap.* 17.

WHEREAS in and by an Act of Parliament made and passed in the Tenth and Eleventh Years of the Reign of his late Majesty King *William* the Third, intituled, *An Act for suppressing of Lotteries*; after reciting, that for divers Years before making the said Act several evil-disposed Persons had set up many unlawful Games called *Lotteries*, not only in the City of *London* and *Westminster* and in the Suburbs thereof, but in most of the ancient Towns and Places in *England* and the Dominion of *Wales*; and had thereby most unjustly and fraudulently gotten to themselves great Sums of Money from the Children and Servants of several Gentlemen, Traders, and Merchants, and from other unwary Persons, to the utter Ruin and Impoverishment of many Families, it is declared and enacted, That all such Lotteries, and all other Lotteries, are common and publick Nuisances: And whereas in order to suppress all such Lotteries, it is in and by the said Statute enacted and declared, That from and after the Twenty ninth Day of *December*, which shall be in the Year of our Lord One thousand six hundred and ninety nine, no Person or Persons whatsoever

whatſoever ſhall publickly or privately, exerciſe, keep open, ſhew, or expoſe to be played at, drawn, or thrown at, or ſhall draw, play, or throw at any ſuch Lottery, or other Lotteries, either by Dice, Lots, Cards, Balls, or any other Number or Figures, or any other way whatſoever, under ſuch Penalties as in the ſaid Act are mentioned and ſet forth; which ſaid Statute is enforced by an Act of Parliament made in the Ninth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for reviving, continuing, and appropriating certain Duties upon ſeveral Commodities to be exported, and certain Duties upon Coals to be water-born and carried coaſtwiſe; and for granting further Duties upon Candles for thirty two Years; to raiſe Fifteen hundred thouſand Pounds by way of a Lottery, for the Service of the Year One thouſand ſeven hundred and eleven; and for ſuppreſſing ſuch unlawful Lotteries, and ſuch Inſurance-offices as are therein mentioned:* And whereas in and by one other Act of Parliament made and paſſed in the Eighth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for continuing the Duties on Malt, Mum, Cyder, and Perry, to raiſe Money by way of a Lottery, for the Service of the Year One thouſand ſeven hundred and twenty two; and for transferring the Deficiencies of a late Malt Act to the Land-tax for the ſaid Year; and for giving Time for inſerting the Money given with Apprentices in their Indentures; and touching loſt Bills, Tickets, or Orders; and for exchanging the Tickets in the Exchequer for Certificates; and for ſuppreſſing Lotteries denominated Sales, and other private Lotteries; and for enlarging the Time for the Accountant General of the Bank of* England *to return Duplicates of Annuities into the Exchequer*; it is enacted, That all and every Perſon or Perſons, who after the Twenty firſt Day of *December*, in the Year of our Lord One thouſand ſeven hundred and twenty one, ſhall erect, ſet up, continue, or keep, or ſhall cauſe or procure to be erected, ſet up, continued, or kept, any Office or Place, under the Denomination of Sales of Houſes, Lands, Advowſons, Preſentations to Livings, Plate, Jewels, Ships, Goods, or other Things, for the Improvement of ſmall Sums of Money, or ſhall ſell, or expoſe to Sale any Houſes, Lands, Advowſons, Preſentations to Livings, Plate, Jewels, Ships, Goods, or other Things, by way of Lottery, or by Lots, Tickets, Numbers, or Figures; or ſhall make, print, advertiſe, or publiſh, or cauſe to be made, printed, advertiſed, or publiſhed, Propoſals or Schemes for advancing ſmall Sums of Money by ſeveral Perſons, amounting in the whole to large Sums, to be divided among them by the Chances of the Prizes in ſome publick Lottery or Lotteries eſtabliſhed or allowed by Act of Parliament; or ſhall deliver out, or cauſe or procure to be delivered out, Tickets to the Perſons advancing ſuch Sums, to entitle them to a Share of the Money ſo advanced, according to ſuch Propoſals or Schemes; or ſhall make, print, or publiſh, or cauſe to be made, printed, or publiſhed any Propoſal or Scheme of the like Kind or Nature under any Denomination, Name, or Title whatſoever, and ſhall be thereof convicted upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, by Two or more Juſtices of the Peace of the County, Diviſion, or Liberty where ſuch Offence ſhall be committed, or the Offender ſhall be found, which Oath ſuch Juſtices of the Peace are hereby impowered and required to adminiſter; the Perſon ſo convicted ſhall, for every ſuch Offence, over and above any former Penalties inflicted by any former Act or Acts of Parliament made againſt any private or unlawful Lotteries, forfeit the Sum of Five hundred Pounds, One third Part thereof to His Majeſty, His Heirs, and Succeſſors, and One other third Part thereof to the Informer, and the remaining third Part thereof to the Poor of the Pariſh where ſuch Offence ſhall be committed; the ſame to be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant under the Hands and Seals of ſuch Juſtices, before whom ſuch Offender ſhall be convicted as aforeſaid; and ſhall alſo for every ſuch Offence, by ſuch Juſtices be committed to the County Gaol, there to remain without Bail or Mainprize for the Space of One whole Year, and from thence till the Sum of Five hundred Pounds ſo forfeited as aforeſaid, ſhall be fully paid and ſatisfied: Provided nevertheleſs, That any Perſon who ſhall think himſelf or herſelf aggrieved by the Judgement or Determination of Two or more Juſtices in any the Caſes aforeſaid, ſhall have Liberty to appeal to the next Quarter-ſeſſions to be held for the County, City, or Place were ſuch Judgement or Determination ſhall be made or given; and that the Judgement to be given by the Juſtices of the ſaid next Quarter-ſeſſions ſhall be final: And whereas it is found by Experience, that the ſaid good and wholeſome Laws have not effectually anſwered the good Ends, Intents, and Purpoſes in and by the ſaid Acts deſigned; but that contrary to the true Intent and Meaning of the ſaid recited Acts, ſeveral deceitful Games and Subſcriptions are daily carried on under the Denomination of Sales of Houſes, Lands, Plate, Jewels, Goods, and other Things; and that ſeveral Printers have printed, publiſhed, or cauſed to be printed and publiſhed Propoſals or Schemes for the Sale of ſuch Houſes, Lands, Plate, Jewels, Goods, and other Things, to be determined by Raffles, by Mathematical Machines or Engines, and by other indirect Ways and Means, tending to evade the ſaid good and wholeſome Laws before mentioned: And whereas ſeveral Perſons have for many Years paſt carried on and ſet up certain fraudulent Games and Lotteries, to be determined by the Chance of Cards and Dice, under the Denomination of the Games of the Ace of Hearts, Pharaoh, Baſſet, and Hazard, and thereby defrauded ſeveral of His Majeſty's Subjects, ignorant of the great Diſadvantage Adventurers in the ſaid Games and Lotteries ſo denominated the Games of the Ace of Hearts, Pharaoh, Baſſet, or Hazard, are under, ſubject, and liable to: And whereas ſeveral Doubts have ariſen, whether the ſaid Games of the Ace of Hearts, Pharaoh, Baſſet, and Hazard, are within the Deſcriptions of the Lotteries prohibited by the ſaid recited Acts of Parliament: And whereas great Difficulties have ariſen upon the Methods of Conviction of the Offenders againſt the ſaid Acts of Parliament; for Remedy whereof, and for explaining and making more effectual the ſaid Acts of Parliament, may it pleaſe Your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall, after the Twenty fourth Day of June, One thouſand ſeven hundred and thirty nine, erect, ſet up, continue, or keep any Office or Place, under the Denomination of a Sale or Sales of Houſes, Land, Advowſons, Preſentations to Livings, Plate, Jewels, Ships, Goods, or other Things, by way of Lottery, or by Lots, Tickets, Numbers, or Figures, Cards, or Dice; or ſhall make, print, advertiſe, or publiſh, or cauſe to be made, printed, advertiſed, or publiſhed Propoſals or Schemes for advancing ſmall Sums of Money by ſeveral Perſons, amounting in the whole to large Sums, to be divided among them by Chances of the Prizes in ſome publick Lottery or Lotteries eſtabliſhed or allowed by Act of Parliament, or ſhall deliver out, or cauſe or procure to be delivered out, Tickets to the Perſons advancing ſuch Sums, to intitle them to a Share of the Money ſo advanced, according to ſuch Propoſals or Schemes; or ſhall expoſe to Sale any Houſes, Lands, Advowſons, Preſentations to Livings, Plate, Jewels, Ships, or other Goods, by any Game, Method, or Device whatſoever, depending upon, or to be determined by any Lot or Drawing, whether it be out of a Box or Wheel, or by Cards

200 *l.* Penalty on any Treſpaſs againſt this Act.

or Dice, or by any Machine, Engine, or Device of Chance of any kind whatsoever; such Person or Persons, and every or either of them, shall, upon being convicted thereof before any One Justice of the Peace for any County, Riding, or Division, or before the Mayor, or other Justice or Justices of the Peace for any City or Town-corporate, upon the Oath or Oaths of One or more credible Witness or Witnesses (which said Oaths the said Justices of the Peace, and Mayor, are hereby authorized, impowered, and required to administer) or upon the View of such Justice or Justices, or the Mayor, Justice or Justices for any City or Town-corporate, or on the Confession of the Party or Parties accused; shall forfeit and lose the Sum of Two hundred Pounds, to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hands and Seals of One or more Justice or Justices of the Peace of such County, Riding, Division, City, or Town, where the Offence shall be committed; which said Forfeitures, when recovered, after deducting the reasonable Charges of such Prosecution, shall go and be applied, One third thereof to the Informer, and the remaining Two thirds to the Use of the Poor of the Parish where such Offence shall be committed, excepting the said Two thirds of such Forfeitures which shall be incurred by, and recovered upon, any Person or Persons within the City of Bath, which said Two thirds shall go and be applied to and for the Use and Benefit of the Poor residing within the Hospital or Infirmary lately erected for the Benefit of poor Persons resorting to the said City for the Benefit of the Mineral Waters, after deducting the Charges of Conviction as aforesaid.

the same how to be levied and applied.

Games specified to be within the Intent of the Act.

II. And it is hereby enacted and declared, That the said Games of the Ace of Hearts, Pharaoh, Basset, and Hazard, are and are hereby declared to be Games or Lotteries by Cards or Dice within the Intent and Meaning of the said in part recited Acts; and that all and every Person or Persons, who shall set up, maintain, or keep the said Games of the Ace of Hearts, Pharaoh, Basset, and Hazard, shall be subject and liable to all and every the Penalties and Forfeitures in and by this Act inflicted upon any Person or Persons, who shall erect, set up, continue, or keep any of the said Games or Lotteries in this present Act mentioned; and shall be prosecuted and convicted, and the Penalties and Forfeitures shall be sued for and recovered, in like Manner as the said Penalties and Forfeitures are by this Act directed to be sued for and recovered.

50 *l.* Penalty on the Adventurers.

III. And be it further enacted by the Authority aforesaid, That all and every Person and Persons, who shall be Adventurers in any of the said Games, Lottery or Lotteries, Sale or Sales; or shall play, set at, stake, or punt at either of the said Games of the Ace of Hearts, Pharaoh, Basset, and Hazard, and shall be thereof convicted in such Manner and Form, as in and by this Act is prescribed; every such Person or Persons shall forfeit and lose the Sum of Fifty Pounds, to be sued for and recovered as aforesaid.

Sales by Lotteries void;

IV. And it is hereby further enacted by the Authority aforesaid, That all and every such Sale or Sales of Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things, by any Game, Lottery or Lotteries, Machine, Engine, or other Device whatsoever, depending upon or to be determined by Chance or Lot, shall and are hereby declared to be void to all Intents and Purposes whatsoever: And all such Houses, Lands, Advowsons, Presentations to Livings, Plate, Jewels, Ships, Goods, or other Things, set up and exposed to Sale in Manner and Form aforesaid, shall be forfeited to such Person or Persons who shall sue for the same, by Action, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, or at the Assizes for any County where the Offence shall be committed; in which Action, Bill, Plaint, or Information, no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed.

and the Lands, &c. forfeited.

Persons aggrieved to appeal to the Quarter-sessions.

V. Provided always, and it is hereby declared and enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by the Judgement or Determination of any Justice or Justices of the Peace, or Mayor, as aforesaid, upon any Conviction of or for any of the Offences in this Act; such Person or Persons may appeal from the said Judgement of the said Justice or Justices, or Mayor, to the next General Quarter-sessions of the Peace for the said County, Riding, Division, City, or Place, where such Person or Persons was or were convicted; but the Person and Persons so appealing shall, and he, she, and they are hereby directed to give reasonable Notice to the Prosecutor or Prosecutors of such Person or Persons as shall so appeal, of such his, her, or their Intention of bringing and prosecuting such Appeal, and shall enter into a Recognizance before some Justices of the Peace for the County, Riding, Division, City, or Place wherein the Conviction or Judgement was made or given, with Two sufficient Sureties, on Condition to try such Appeal at the next Quarter-sessions, which shall be held in and for the County, Riding, Division, City, or Place wherein such Conviction or Judgement was made or given, next and immediately after the bringing such Appeal; and every such Appeal and Appeals shall by the Court at the said next General Quarter-sessions, to which such Appeal and Appeals is or are made, be then examined, and the Matter then finally heard and determined, and not afterwards; and in case such Judgement, Determination, or Conviction, as aforesaid, shall be then and there affirmed, the Party appealing shall pay unto the Prosecutor or Prosecutors his, her, or their Treble Costs; and such Prosecutor or Prosecutors shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Appellant to pay Treble Costs, if Judgement be affirmed.

Convictions not vacated for want of Form, &c.

VI. Provided always, and be it further enacted by the Authority aforesaid, That no such Conviction made or Judgement given as aforesaid, by this Act, shall be set aside by the said Court of Quarter-sessions for want of Form, in case the Facts alledged in the said Conviction shall be proved to the Satisfaction of the said Court; nor shall such Conviction or Judgement be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster, until such Order or other Proceedings shall have been first removed to, and Judgement and Determination given and made thereupon by such Court of Quarter-sessions, as aforesaid.

VII. Provided

VII. Provided also, and be it further enacted by the Authority aforesaid, That no Writ of Certiorari or other Process shall issue or be issuable to remove the Record of any such Conviction from the said Court of Quarter Sessions, or to remove any Order or other Proceedings taken or made by the said Court of Quarter Sessions upon, touching, or concerning such Conviction, into any of His Majesty's Courts of Record at Westminster, until the Party or Parties against whom such Conviction shall be made, before the Allowance of such Writ of Certiorari or other Process, shall find Two sufficient Sureties to become bound to the Prosecutor in the Sum of One hundred Pounds, with Condition to prosecute the same with Effect within Six Kalendar Months, and to pay unto the Prosecutor or Prosecutors his, her, or their treble Costs and Charges, in case such Order or Conviction shall be affirmed. nor the Record thereof removeable, but upon 100*l.* Security.

VIII. And it is hereby further enacted and declared, That if any Person or Persons, who shall be convicted of erecting, setting up, maintaining, or keeping any of the said Lotteries, or the said Games of the Ace of Hearts, Pharaoh, Basset, or Hazard; or therein or in either of them shall adventure, and shall not have sufficient Goods and Chattels whereon to levy the Penalties inflicted by this Act, or shall not immediately pay the said Penalties, or give Security for the same; it shall and may be lawful for the said Justice or Justices, before whom such Person shall be convicted as aforesaid, to commit such Person or Persons to the common Gaol of the County, Riding, Division, City, or Place where such Offence shall be committed, there to continue and remain for any time not exceeding Six Months. Offenders not able to pay the Penalties, to be imprisoned.

IX. And be it also enacted, That if any Justice of the Peace, or any other Justice herein before described, or Mayor of any Corporation, shall neglect or refuse to do what is required of him and them by this Act; such Justices and Mayors so neglecting or refusing shall respectively forfeit and pay the Sum of Ten Pounds for each Offence; one Moiety whereof to be paid to any Person or Persons who shall sue for the same, and the other Moiety thereof to the Poor of the Parish or Place where such Offence shall be committed; and shall be recovered, with full Costs of Suit, by Action, Bill, Plaint, or Information in any of His Majesty's Courts of Record, or at the Assize for any County; in which Action, Bill, Plaint, or Information, no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; such Prosecution being commenced within Six Months next after such Refusal of such Justices or Mayor. Penalty on Neglect of Justices, or Mayors.

X. Provided always, and it is hereby enacted and declared, That nothing in this Act or in any former Acts against Gaming contained shall extend to prevent or hinder any Person or Persons from gaming or playing at any of the Games in this or in any of the said former Acts mentioned within any of His Majesty's Royal Palaces, where His Majesty, His Heirs, or Successors shall then reside. This Act not to hinder any Games in Palaces where the King resides;

XI. Provided always, and it is hereby further enacted and declared, That nothing herein contained shall extend, or be any ways construed, deemed, or taken to extend, or in any Sort to affect or prejudice any Estate or Interest in, out of, or to any Manors, Honours, Royalties, Lands, Tenements, Advowsons, Presentations, Rents, Services, and Hereditaments whatsoever, which shall or may at any time or times hereafter be, according to the Laws now in Being, legally allotted to, or held by or by Means of any Allotment or Partition by Lots; but that all Persons who now are, or that shall hereafter become, really and truly seized as Part-owners, Joint-tenants, and Tenants in Common of any Manors, Honours, Royalties, Lands, Tenements, Advowsons, Presentations, Rents, Services, and Hereditaments, shall, and he, she, and they, and his, her, and their Heirs and Assigns is, and are hereby made and continued capable to accept and take such Estates and Interest, and Parts therein, in such and the like Manner, and to such and the like Uses, as he, she, or they might, would, or could have done by, or by virtue, or in Consequence of any Lot, Scroll, Chance, or Allotment whatsoever, had this present Act never been made; any thing herein contained to the contrary thereof notwithstanding. nor to affect the Right to any Lands, *&c.* held by Lot.

XII. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, every such Suit or Action shall be commenced within Three Kalendar Months next after the Fact was committed, and not afterwards; and shall be laid or brought in the County, City, or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant and Defendants therein shall and may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial to be had thereupon, and that the same was done in pursuance of or by the Authority of this Act; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, Suit or Suits, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have like Remedy for the same, as any Defendant or Defendants hath or have for Costs in any other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

CAP. XXIX.

An Act for the more easy assessing, collecting, and levying of County Rates.

WHEREAS by an Act passed in the Twenty second Year of the Reign of King *Henry* the Eighth, for repairing and amending Bridges and Highways: And whereas by another Act passed in the First Year of the Reign of her late Majesty Queen *Anne*, to explain and alter the said Act, it is, for the more easy taxing and collecting the Money for the Repair of such Bridges and Highways thereunto adjoining (amongst other things) enacted, That the Justices of the Peace within the several Limits of their Commissions shall at their General or Quarter Sessions of the Peace have full Power and Authority, upon due Presentment to them made that any Bridge within their respective Commissions or Authorities is out of Repair, and which by them hath usually, or ought to have been, repaired and maintained, to make Assessments upon every Town, Parish, or Place, within their respective Commissions for that Purpose, in Proportions upon each respective Town and Parish, as they usually have been assessed towards the Repair of Bridges; which Assessments are to be levied and collected in the Manner prescribed by the said Act: And whereas by an Act passed in the Preamble, reciting the Acts, 22 *Hen.* VIII. *c.* 5. 1 *Annæ. stat.* 1. *c.* 18.

11 & 12 *W.* III. *c.* 19. the Eleventh and Twelfth Years of the Reign of his late Majeſty King *William* the Third, to enable Juſtices of the Peace to build and repair Gaols in their reſpective Counties, it is (amongſt other things) enacted, That it ſhall and may be lawful for the Juſtices of the Peace, or the greater Number of them, within the Limits of their Commiſſions, upon Preſentment of the Grand Jury or Grand Juries, at the Aſſize, Great Seſſions, and General Gaol Delivery, held for the ſame County, of the Inſufficiency or Inconveniency of their Gaol or Priſon, to conclude and agree upon ſuch Sum or Sums of Money, as upon Examination of able and ſufficient Workmen ſhall be thought neceſſary for the building, finiſhing, and repairing a publick Gaol or Gaols, belonging to the Shire or County whereof they are Juſtices of the Peace; and by Warrant under their Hands and Seals, or under the Hands and Seals of the greater Number of them, by equal Proportions to diſtribute and charge the Sum or Sums of Money to be levied for the Uſes aforeſaid upon the ſeveral Hundreds, Lathes, Wapentakes, Rape, Ward, or other Diviſion of the ſaid County, in the Manner preſcribed by the ſaid Act; which ſaid Act was revived and continued by an Act paſſed in the Tenth Year of the Reign of her late Majeſty Queen *Anne*, for Seven Years and to the End of the then next Seſſion of Parliament, and made perpetual by an Act of the Sixth Year of the Reign of his late Majeſty King *George* the Firſt: And where-

7 *Jac.* I. *c.* 4. as by an Act paſſed in the Seventh Year of the Reign of King *James* the Firſt, for the due Execution of divers Laws and Statutes heretofore made againſt Rogues, Vagabonds, and Sturdy Beggars, and other lewd and idle Perſons, it is (amongſt other things) enacted, That there ſhall be erected, built, or otherwiſe provided, within every County of this Realm of *England* and *Wales*, where there is not one Houſe of Correction already built, provided, or continued, One or more fit and convenient Houſe or Houſes of Correction, by the Juſtices of the Peace, or the more Part of them, at their reſpective Quarter Seſſions; and that the Maſter or Governors of the ſaid Houſes of Correction ſhall have ſuch Sums of Money yearly, as ſhall be thought meet by the ſaid Juſtices; the ſame to be paid quarterly beforehand, by the Treaſurers appointed by an Act made in the Three and fortieth Year of the late Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*; which ſaid Act was to continue for Seven Years, and till the End of the next Seſſion of Parliament, and was further continued by an Act paſſed in the Third Year of the Reign of King *Charles* the Firſt, intituled, *An Act for the Continuance and Repeal of divers Statutes*, unto the End of the Firſt Seſſion of the next Parliament; and by an Act paſſed in the Sixteenth Year of the ſame Reign continued in Force, until repealed by ſome

43 *Eliz. c.* 2. other Act of Parliament: And whereas by an Act paſſed in the Forty third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, it is (amongſt other things) enacted, That the Juſtices of the Peace of every County or Place-corporate, or the more Part of them, in their General Seſſions to be holden next after the Feaſt of *Eaſter*, and ſo yearly, as often as they ſhall think meet, ſhall rate every Pariſh to ſuch a weekly Sum of Money as they ſhall think convenient, ſo as no Pariſh be rated above the Sum of Six Pence, nor under the Sum of a Halfpeny, weekly to be paid, and ſo as the total Sum of each Taxation of the Pariſhes in every County amount not to above the Rate of Two Pence for every Pariſh within the ſaid County; and it is thereby likewiſe enacted, That the Juſtices of the Peace at their General Quarter Seſſions to be holden at the Time of ſuch Taxation ſhall ſet down what competent Sums of Money ſhall be ſent quarterly out of every County or Place-corporate, for the Relief of the poor Priſoners of the *King's Bench* and *Marſhalſea*; and alſo of ſuch Hoſpitals and Alms-houſes as ſhall be in the ſaid County, and what Sums of Money ſhall be ſent to every one of the ſaid Hoſpitals and Alms-houſes; ſo as there be ſent out of every County yearly Twenty Shillings at the leaſt to each of the ſaid Priſons of the *King's Bench* and *Marſhalſea*; which Sums are rateably to be aſſeſſed upon every Pariſh, and to be levied and collected as in and by the ſaid Act is direct-

14 *Eliz. c.* 5. ed: And whereas by an Act paſſed in the Fourteenth Year of the Reign of Queen *Elizabeth*, intituled, *An Act how Vagabonds ſhall be puniſhed, and the Poor relieved*, it is enacted, That the Juſtices of the Peace of every County, or the more Part of them, in their General Quarter Seſſions, ſhall rate every Pariſh at ſuch reaſonable Sums of Money, for the Relief of Priſoners, as they ſhall think convenient, ſo as no Pariſh be rated above Six Pence or Eight Pence weekly; and the Churchwardens of every Pariſh ſhall levy the ſame every *Sunday*, and once in every Quarter pay the ſaid Sums to the High Conſtables or other Head Officers; and the ſaid High Conſtables and Head Officers ſhall pay the Money received of the ſaid Churchwardens to ſuch Perſon as ſhall be appointed by the ſaid Juſtices in Seſſions, to be by them diſtributed weekly for the Relief of Priſoners; ſo much of which ſaid Act as relates to the taxing, levying, receiving, and employing of Gaol Money, was revived and continued to the End of the then next Seſſion of Parliament, by an Act paſſed in the Firſt Year of the Reign of King *James* the Firſt, intituled, *An Act for continuing and reviving of divers Statutes, and for repealing of ſome others*; and was further continued by an Act paſſed in the Twenty firſt Year of the Reign of the ſaid King *James*, intituled, *An Act for continuing and reviving of divers Statutes, and repeal of divers others*; and was further continued to the End of the next Seſſion of Parliament, by an Act paſſed in the Third Year of the Reign of King *Charles* the Firſt, intituled, *An Act for the Repeal and Continuance of divers Statutes*; and by an Act paſſed in the Sixteenth Year of the ſame Reign, was continued in Force, un-

19 *Car.* II. *c.* 4. til repealed by ſome other Act of Parliament: And whereas by an Act paſſed in the Nineteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for Relief of poor Priſoners, and ſetting them on Work*, it is (amongſt other things) enacted, That the Juſtices of the Peace at their General Seſſions, or the major Part of them, if they think fit, may provide a Stock of Materials for ſetting poor Priſoners on Work, in ſuch Manner, and by ſuch Ways as other County Charges are levied and raiſed, and provide and pay fit Perſons to overſee ſuch Work, and make ſuch Orders concerning the Premiſſes, as they from time to time ſhall think fit, provided that no Pariſh be rated above Six Pence by the Week towards the Premiſſes: And

12 *Annæ. ſtat.* 2. *c.* 23. whereas an Act paſſed in the Twelfth Year of the Reign of her late Majeſty Queen *Anne*, for reducing the Laws relating to Rogues, Sturdy Beggars, and Vagrants, into one Act of Parliament, and for the more effectual puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent; it is (amongſt other things) enacted, That the Juſtices of the Peace at their Quarter Seſſions may from time to time, when need ſhall be, by ſuch Ways and Means as Monies for County Gaols or Bridges may be raiſed, cauſe ſuch Sums of Money to be raiſed within their reſpective Precincts and Juriſdictions, for the paſſing and conveying or maintaining of Rogues and Vagabonds, as ſhall be neceſſary for thoſe Purpoſes; which ſaid ſeveral Rates, when collected, are to be paid, by virtue of the ſaid ſeveral Acts, into the Hands of Treaſurers or Receivers to be appointed by the Juſtices at their reſpective General or Quarter Seſſions of the Peace, and to be accounted for, as in and by the ſaid ſeveral Acts are recited: And whereas it is apparent that the Manner and Methods preſcribed by the ſaid ſeveral reſpective Acts for collecting ſome of the ſaid Rates are impracticable, the Sums charged on each Pariſh in the reſpective Diviſions being ſo ſmall, that they do not by an equal Pound-rate amount to more than a fractional Part of a Farthing in the Pound on the ſeveral Perſons thereby rateable; and if poſſible to have been rated, the Expence of aſſeſſing and collecting the ſame would have amounted to more than the Sum rated: And whereas many and great Doubts, Difficulties, and Inconveniencies have ariſen in making and collecting other of the ſaid Rates; therefore

that

that the good Ends and Purpoſes of the ſaid ſeveral Statutes may be anſwered, and the ſeveral Sums of Money thereby intended to be raiſed may effectually be collected, with as much Eaſe and Certainty, and as little Expence as can be to the Parties obliged by the ſaid Laws to pay the ſame; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of September, One thouſand ſeven hundred and thirty nine, the Juſtices of the Peace in that Part of Great Britain called England, within the reſpective Limits of their Commiſſions, at their General or Quarter Seſſions, or the greater Part of them then and there aſſembled, ſhall have full Power and Authority, from time to time, to make one general Rate or Aſſeſſment for ſuch Sum or Sums of Money as they in their Diſcretions ſhall think ſufficient to anſwer all and every the Ends and Purpoſes of the before recited Acts, inſtead and in lieu of the ſeveral ſeparate and diſtinct Rates directed thereby to be made, levied, and collected; which Rate ſhall be aſſeſſed upon every Town, Pariſh, or Place within the reſpective Limits of their Commiſſions, in ſuch Proportions as any of the Rates heretofore made in purſuance of the ſaid ſeveral Acts have been uſually aſſeſſed; and the ſeveral and reſpective Sums ſo aſſeſſed upon each and every Town, Pariſh, or Place within the reſpective Limits of their Commiſſions, ſhall be collected by the High Conſtables of the reſpective Hundreds and Diviſions, in which any Town, Pariſh, or Place doth lie, in ſuch Manner, and at ſuch Times, as is herein after directed.

After 1 *Sept.* 1739, Juſtices to make from time to time one general Aſſeſſment, inſtead of the ſeveral Rates appointed by ſeveral Acts;

II. And that the reſpective Sum or Sums ſo to be aſſeſſed and collected may be well and truly paid to the reſpective High Conſtables, be it further enacted by the Authority aforeſaid, That the Churchwardens and Overſeers of the Poor for the time being of each and every Pariſh and Place within the reſpective Counties, Cities, and Liberties, in which they reſpectively lie, ſhall and they are hereby required, out of the Money collected or to be collected for the Relief of the Poor of ſuch Pariſh or Place, to pay to the High Conſtables of the reſpective Hundreds or Diviſions of the ſaid Counties, Cities, and Liberties, the reſpective Sum or Sums of Money ſo rated and aſſeſſed upon ſuch Pariſh or Place, within the Space of Thirty Days after Demand thereof made in Writing, to be given to the ſaid Churchwardens or Overſeers of the Poor, or any of them, or left at their or either of their Dwelling-houſe or Houſes, or affixed on any of the Church Doors of ſuch Pariſh or Place to which ſuch Officer ſhall belong, by the ſaid High Conſtable or High Conſtables of the reſpective Hundreds or Diviſions; which Demand the reſpective High Conſtable or High Conſtables is and are hereby required to make, at ſuch times as the ſaid Juſtices of the Peace, or the greater Part of them, ſhall by their Order in Seſſions direct; and the Receipt or Receipts of ſuch High Conſtable or High Conſtables ſhall be a full and ſufficient Diſcharge to ſuch Churchwardens and Overſeers of the Poor, or other Perſon paying the ſame, and ſhall be allowed in their Accounts as ſuch by the Juſtices of the Peace before whom ſuch Accounts ſhall be paſſed: And in caſe ſuch Churchwardens and Overſeers of the Poor, or any of them, ſhall neglect or refuſe to pay any the Sum or Sums of Money hereby aſſeſſed, after Demand made as aforeſaid; ſuch High Conſtable or High Conſtables ſhall and they are hereby impowered to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of ſuch Churchwardens and Overſeers or either of them ſo refuſing or neglecting to pay the ſame as aforeſaid, by Warrant under the Hands and Seals of Two or more Juſtices of the Peace of the County, Riding, Diviſion, City, Town-corporate, Liberty, or Place, reſiding in or near ſuch Pariſh or Place; rendering the Overplus, if any there ſhall be, after deducting the Money aſſeſſed, and the Charges of the Diſtreſs and Sale, to the Owner or Owners thereof.

to be paid out of the Poor's Rate of every Pariſh to the High Conſtable,

or to be levied on them by Diſtreſs.

III. Provided nevertheleſs, and be it enacted by the Authority aforeſaid, That in caſe no Rate is or ſhall be made for the Relief of the Poor in any Pariſh, Townſhip, or Place; the Juſtices of the Peace in their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, ſhall and may by their Order direct the Sum of Money aſſeſſed on ſuch Pariſh, Townſhip, or Place, for the Purpoſes of this Act, to be rated and levied on ſuch Pariſh, Townſhip, or Place, by any Petty Conſtables, or other Peace Officer, of or belonging to the ſame, in ſuch Manner as Money for the Relief of the Poor is by Law to be rated or levied; which Sum ſo rated and levied ſhall be paid by ſuch Petty Conſtable or other Peace Officer to the reſpective High Conſtable for the Hundred, Diviſion, or Liberty, wherein ſuch Pariſh, Townſhip, or Place ſhall lie; and ſhall be demanded of, paid by, or levied on ſuch Petty Conſtable or other Peace Officer, in the ſame Manner as any Rates are herein before directed to be demanded of, paid by, and levied on the Churchwardens and Overſeers of the Poor, or any of them; and if ſuch Petty Conſtable or other Peace Officer ſhall pay ſuch Sum, before the ſame ſhall be ſo by him rated and levied as aforeſaid, he may afterwards rate and levy the ſame, or ſhall and may be allowed and reimburſed the ſaid Sum of Money out of any Conſtable's, or other Rate made or to be made on any ſuch Pariſh, Townſhip, or Place, which the ſaid Juſtices of the Peace or the greater Part of them in their Seſſions ſhall order and direct.

Where there is no Poor's Rate, the Petty Conſtable of the Place to levy and pay the County Rate.

IV. And whereas it will be very inconvenient to many Towns, Pariſhes, and Places, in the ſeveral Counties of *York*, *Derby*, *Durham*, *Lancaſter*, *Cheſter*, *Weſtmorland*, *Cumberland*, and *Northumberland*, that the Rates by this Act directed to be paid by and levied on the Churchwardens and Overſeers of the Poor for the Purpoſes aforeſaid, ſhould be paid out of any Rate to be made for the Relief of the Poor in ſuch Towns, Pariſhes, and Places; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Juſtices of the Peace for the reſpective Ridings, Diviſions, or Counties of York, Derby, Durham, Lancaſter, Cheſter, Weſtmorland, Cumberland, and Northumberland, at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, if they ſhall think convenient, to order the Sum of Money directed to be aſſeſſed on any ſuch Town, Pariſh, or Place, for all or any of the Purpoſes of this Act, to be paid by and levied on the Petty Conſtable of or for any ſuch Town, Pariſh, or Place within the ſaid Counties reſpectively, in ſuch Manner as the ſame is herein directed to be paid and levied, in Caſes where no Rate is made for the Relief of the Poor; any thing herein contained, or any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Counties excepted from paying the Rate of this Act out of the Poor's Rate.

V. Provided

Proviſo, in favour of Places heretofore not paying all, or any County Rates.

13. G. 2. C. 18. Sect. 7.

V. Provided always, and be it enacted by the Authority aforeſaid, That this Act, or any thing herein contained, ſhall not extend or be conſtrued to extend to make any Perſons, Liberties, Diviſions, or Places liable to pay to any Rate to be made in purſuance of this Act, to which ſuch Perſon, Liberty, Diviſion, or Place did not, or was not liable to contribute before the paſſing hereof; but that it ſhall and may be lawful to and for the Juſtices of the Peace at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, to order and aſcertain what Proportion of any Rate to be made by virtue of this Act ſhall be aſſeſſed on and paid by the ſeveral Perſons, Liberties, Diviſions, and Places, who have uſually contributed, or are liable to pay only to One or more of, and not to all the Rates hereby intended to be raiſed, and thrown into one General Rate or Aſſeſſment.

High Conſtables to pay the Monies to the Treaſurers appointed by the Quarter Seſſions,

43. El. c. 2. ſ. 14.

VI. And be it further enacted by the Authority aforeſaid, That the reſpective High Conſtables ſhall, and they are hereby required, at or before the next General or Quarter Seſſions reſpectively after they or any of them ſhall have received ſuch Sum or Sums of Money, to pay the ſame into the Hands of ſuch Perſon or Perſons (being reſident in any ſuch County, Riding, Diviſion, City, Liberty, or Place, where ſuch Rates ſhall be reſpectively made) whom the ſaid Juſtices ſhall at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, appoint to be the Treaſurer or Treaſurers (which Treaſurer or Treaſurers they are hereby authorized and impowered to nominate and appoint) ſuch Treaſurer or Treaſurers firſt giving ſufficient Security in ſuch Sums as ſhall be approved of by the ſaid Juſtices at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, to be accountable for the ſeveral and reſpective Sums of Money which ſhall be reſpectively paid to them in purſuance of this Act, and to pay ſuch Sum or Sums of Money as ſhall be ordered to be paid by the Juſtices in their General or Quarter Seſſions, and for the due and faithful Execution of the Truſts repoſed in him or them; and all and every ſuch Sum or Sums of Money as ſhall be paid into his or their Hands by virtue of and in purſuance of this Act, ſhall be deemed and taken to be the publick Stock; and the ſaid Treaſurer or Treaſurers ſhall and are hereby required to pay ſo much of the Money in their Hands, to ſuch Perſon and Perſons as the ſaid Juſtices at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, ſhall by their Orders from time to time direct and appoint, for the Uſes and Purpoſes of the ſaid recited Acts, and for any other Uſes and Purpoſes to which the publick Stock of any County, City, Riding, Diviſion, or Liberty, is or ſhall be applicable by Law.

and they to whomſoever the Juſtices ſhall direct.

43 El. C. 2 S. 5. fol. 143. 17. G. 2. C. 5. 26. G. 2. C. 34. fol. 485.

Treaſurers to keep Books of Entries,

and to account upon Oath.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid reſpective Treaſurer or Treaſurers ſhall and are hereby required to keep Books of Entries of the ſeveral Sums reſpectively received and paid by him or them in purſuance of this Act; and is and are alſo hereby required to deliver in true and exact Accounts upon Oath if required (which Oath the ſaid Juſtices at their reſpective General or Quarter Seſſions are hereby impowered to adminiſter) of all and every the Sum and Sums of Money reſpectively received and paid by him or them, diſtinguiſhing the particular Uſes to which ſuch Sum or Sums of Money have been applied, to the Juſtices at every General or Quarter Seſſions reſpectively to be holden within the Limits of their Commiſſions; and ſhall lay before the Juſtices at ſuch Seſſions the proper Vouchers for the ſame.

High Conſtable's Charge.

VIII. And be it further enacted by the Authority aforeſaid, That the reſpective High Conſtables ſhall and they are hereby required to demand and levy ſuch Rates and Aſſeſſments in Manner before directed, and ſhall account for the ſame before the ſaid Juſtices at their reſpective General or Quarter Seſſions, if thereunto required, in the like Manner as the ſaid Treaſurer or Treaſurers is and are hereby directed to account; and in caſe ſuch

Penalty on Default.

High Conſtables, or any of them, ſhall neglect or refuſe ſo to demand, levy, or account, then it ſhall and may be lawful to and for the ſaid Juſtices, at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled, to commit ſuch High Conſtable or High Conſtables to the common Gaol of the County, Riding, Diviſion, City, Town-corporate, Liberty, or Place, there to remain without Bail or Mainprize, until he or they ſhall have cauſed ſuch Rates or Aſſeſſments to be demanded and levied; and ſhall have rendered a true Account or Accounts in the Manner hereby directed; and in caſe it ſhall appear by ſuch Account or Accounts, that any Sum or Sums of Money is or are remaining in his or their Hands, which he or they ſhall have received of the reſpective Churchwardens and Overſeers, or other Perſons, which ought to have been paid to the reſpective Treaſurer or Treaſurers at the Time or Times limited by this Act, or of the reſpective Treaſurer or Treaſurers, in order to be applied to the Purpoſes aforeſaid; and if he or they ſhall neglect or refuſe to pay the ſame over into the Hands of the reſpective Treaſurer or Treaſurers, or otherwiſe, if thereunto required by Order of the ſaid Juſtices at their reſpective General or Quarter Seſſions, or the greater Part of them then and there aſſembled; then it ſhall and may be lawful for the ſaid Juſtices at ſuch their General or Quarter-ſeſſions, or the greater Part of them then and there aſſembled, to commit ſuch High-conſtable or High-conſtables to the common Gaol of the County, Riding, Diviſion, City, Town-corporate, Liberty, or Place, there to remain without Bail or Mainprize, until he or they ſhall have made full Payment of the Sum or Sums of Money that ſhall appear to be due on ſuch Account or Accounts; and all the Accounts and Vouchers of the

Their and the Treaſurers Vouchers to be kept among the Records of the County, &c.

ſaid Treaſurers and High-conſtables ſhall, after having been paſſed by the ſaid Juſtices at their reſpective General or Quarter-ſeſſions, be depoſited with the Clerk of the Peace for the time being, of each County reſpectively, or the Town-clerk, High-bailiff, or chief Officer of any City, Town-corporate, or Liberty, who is and are hereby required to keep them among the Records of ſuch County, City, Town-corporate, or Liberty, to be inſpected from time to time by any of the ſaid Juſtices, within the Limits of their Commiſſions, as Occaſion ſhall require, without Fee or Reward.

What ſhall be their reſpective Diſcharge.

IX. And be it further enacted by the Authority aforeſaid, That the Receipts of ſuch reſpective Treaſurer or Treaſurers ſhall be ſufficient Diſcharges to all High-conſtables; and the Diſcharges of the ſaid Juſtices of the Peace, or the greater Part of them, by their

Orders made at their respective General or Quarter-sessions to such Treasurer or Treasurers, shall be deemed and allowed as good and sufficient Releases, Acquittances, or Discharges, in any Court of Law or Equity to all Intents and Purposes whatsoever.

X. And be it further enacted by the Authority aforesaid, That no new Rate shall be made, until it shall appear to the said Justices at their respective General or Quarter-sessions, or the greater Part of them then and there assembled, by the Accounts of their respective Treasurer or Treasurers or otherwise, that Three Fourths of the Money collected by virtue of the preceding Rate have been expended for the Uses and Purposes aforesaid. The Condition on which new Rates are to be made.

XI. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Justices of the Peace at their respective General or Quarter-sessions, or the greater Part of them then and there assembled, to continue from time to time such Treasurer or Treasurers in his or their Office or Offices, so long as they shall see convenient, and to remove him or them at their Pleasure, and appoint any other Person or Persons in his or their Place; and to allow to him or them and every of them insisting on the same, such reasonable Sum or Sums of Money for his or their Care and Pains in the Execution of such Trust, not exceeding Twenty Pounds by the Year, as they in their Discretion shall think fit; which they are hereby impowered to direct the Payment of, out of the Monies arising by the respective Rates hereby appointed to be made. Treasurer to be continued or removed at the Will of the Quarter Sessions.

XII. And be it further enacted by the Authority aforesaid, That in case the Churchwardens and Overseers of any Parish or Place shall at any time have Reason to believe the said Parish or Place is over-rated, such Churchwardens and Overseers may appeal to the respective Justices of the Peace at their next General or Quarter Sessions, against such Part of the Rate only as may affect the Parishes or Places in which they serve such Offices; which Justices, or the greater Part of them then and there assembled, are hereby authorized and impowered to hear and finally determine the same: Provided nevertheless, That upon such Appeal such Rate shall not be quashed or destroyed in regard to any other Parishes or Places assessed thereby. Parishes over-rated, to appeal to the said Sessions.

XIII. And be it further enacted by the Authority aforesaid, That no Part of the Money to be raised and collected in pursuance of this Act shall be applied to the Repair of any Bridges, Gaols, Prisons, or Houses of Correction, until Presentments be made by the respective Grand Juries, at the Assize, Great Sessions, General Gaol Delivery, or General or Quarter Sessions of the Peace held for any County, Riding, Division, City, Town Corporate, or Liberty, of the Insufficiency, Inconveniency, or Want of Reparation of their Bridges, Gaols, Prisons, or Houses of Correction. No Repairs of Bridges, &c. but upon Presentments of the Grand Jury. 22 Car. 2. c. 12. s. 4. 1 Ann. st. 1. c. 18. s. 2. 14 G. 2. c. 33.

XIV. And be it further enacted by the Authority aforesaid, That from and after the First Day of June, One thousand seven hundred and thirty nine, when any publick Bridges, Ramparts, Banks, or Cops, or other Works, are to be repaired at the Expence of any County, City, Riding, Hundred, Division, Liberty, or Town Corporate; it shall and may be lawful to and for the Justices of the Peace at their General or Quarter Sessions respectively, or the greater Part of them then and there assembled, if they think proper and convenient, after Presentment to be made as aforesaid of the Want of Reparation of such Bridges, Ramparts, Banks, or Cops, to contract and agree with any Person or Persons for rebuilding, repairing, and amending of such Bridges, Ramparts, Banks, or Cops, as shall be within their respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties, or Towns Corporate, and all other Works which are to be repaired and done by Assessment on the respective Counties, Cities, Ridings, Hundreds, Divisions, Liberties, or Towns Corporate, for any Term or Terms of Years, not exceeding Seven Years, at a certain annual Sum, Payment, or Allowance for the same; such Contractor or Contractors giving sufficient Security for the due Performance thereof, to the respective Clerk of the Peace for the time being, or the Town Clerk, High Bailiff, or Chief Officer of any City, Town Corporate, or Liberty; and that such Justices at their respective General or Quarter Sessions shall give publick Notice of their Intention of contracting with any Person or Persons for rebuilding, repairing, and amending the Bridges, Ramparts, Banks, or Cops, and other Works aforesaid; and that such Contracts shall be made at the most reasonable Price or Prices which shall be proposed by such Contractors respectively; and that all Contracts when agreed to, and all Orders relating thereto, shall be entered in a Book, to be kept by the respective Clerk of the Peace for the time being, or the Town Clerk, High Bailiff, or Chief Officer of any City, Town Corporate, or Liberty for that Purpose; who is and are hereby required to keep them amongst the Records of such County, City, Town Corporate, or Liberty, to be from time to time inspected at all seasonable Times by any of the said Justices within the Limits of their Commissions; and by any Person or Persons employed or to be employed by any Parish, Township, or Place, contributing to the Purposes of this Act, without Fee or Reward. Justices to contract with Persons for publick Repairs, upon publick Notice;

XV. And it is hereby further enacted, That there shall be but one Rate made and assessed by the Justices of the Peace of the County of Middlesex, in the said County, City, and Liberty of Westminster, for the several Purposes aforesaid, and for the Repair of the Gaol commonly called New Prison, in the said County of Middlesex. Justices to make but one Rate for *Middlesex*.

XVI. Provided nevertheless, That the Justices of the Peace for the City and Liberty of Westminster, at their General or Quarter Sessions to be holden for the same City or Liberty, or the greater Part of them then and there assembled, shall have full Power to appoint the Governor or Master of the House of Correction within the said City or Liberty; who shall have such Sum of Money yearly as hath been accustomed for and towards the Support and Maintenance of the Prisoners in his Custody, who shall be sick, or unable to work (not exceeding the present Allowance of Fifty Pounds by the Year) and direct the Repairs and Management thereof as they heretofore have done; and the Treasurer or Treasurers of the Money arising by the Rates in the said County of Middlesex, and City and Liberty of Westminster, hereby appointed to be collected, shall and is and are hereby Proviso as to the House of Correction at *Westminster*.

required to obey all Orders, which shall from time to time be made by the said Justices of the said City and Liberty, or the greater Part of them then and there assembled, at their General or Quarter Sessions, for the Payment of any Sum or Sums of Money for the Allowance allotted to such Governor, or Master of the House of Correction, and the Repairs thereof; which Orders shall be good and sufficient Discharges to such Treasurer or Treasurers; any thing herein contained to the contrary thereof in any wise notwithstanding.

Justices impowered to oblige Collectors to account with them,

XVII. And be it further enacted by the Authority aforesaid, That the Justices of the Peace at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, shall be and are hereby impowered to oblige, by their Order or Orders, the respective High Constables and Petty Constables, or any other Person or Persons who are or have been impowered to levy, collect, or receive any Sum or Sums of Money by virtue of and for the Purposes aforesaid, and who have any Sum or Sums of Money in their Hands, to account with them at their General or Quarter Sessions, in such Manner as High Constables are directed to account by virtue of this Act; and in case such High Constables or Petty Constables, or other Person or Persons, shall refuse to account, or to pay over the Money that shall remain in their or any of their Hands, when thereunto required by Order of the said Justices or the greater Part of them in their respective General or Quarter Sessions assembled; in either of the said Cases the said Justices shall have the like Remedy against them or any of them, as they have against the High Constables by virtue of this Act, for not accounting for or paying over the Money remaining in their Hands: And it shall and may be lawful to and for the said Justices at their respective General or Quarter Sessions, or the greater Part of them then and there assembled, and they are hereby impowered, to direct and order the Payment of the respective Sums of Money which shall appear to be remaining due, and not applied or disposed of, into the Hands of the respective Treasurer or Treasurers to be appointed by this Act; which shall be deemed to be part of the Stock of the said Counties, Cities, Ridings, Divisions, Liberties, or Places respectively; and to enquire what Sums of Money are due and owing for the Purposes aforesaid; and then to order the Payment of such Sums as shall appear to them upon such Enquiry to be justly due and owing.

and to order the Monies unapplied to be paid to the Treasurer.

No Action against Persons collecting on Rates discharged by *Certiorari*, &c.

but the Persons over-rated to be relieved.

XVIII. And be it further enacted by the Authority aforesaid, That no Action or Suit shall be commenced or prosecuted against any Person or Persons who has or have been or shall be employed in the collecting or receiving any Money in pursuance of the said recited Acts, or this present Act, on any Rate or Rates which has or have been or shall be quashed or discharged on any Certiorari brought or to be brought in any of his Majesty's Courts of Record at Westminster, or otherwise, for any Money collected or received, or to be collected or received on any such Rate or Rates, before such Writ of Certiorari was or shall be brought and allowed; and that Justice may be done to such Persons who shall or may pay towards any Rate which shall be quashed or discharged, the several Sums of Money which shall appear to have been paid by them on such Rate, either in whole, or in part, more than they ought to have paid, shall be repaid, or allowed to them in the next Rate or Rates which shall be made in pursuance of this Act, as if the same had been paid on such new Rate or Rates; any thing in any former Act, or any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

Such Collectors obliged to Payment.

XIX. Provided nevertheless, and it is hereby further enacted, That all and every such Person and Persons so employed or to be employed shall account for and pay over the Money by them respectively received, in the same Manner, and under the like Penalties for any Neglect or Refusal therein, as are to be inflicted by virtue of this Act on any Person or Persons neglecting or refusing to account for, or pay over any Money remaining in his or their Hands, which he or they have received in pursuance hereof; any thing in any of the said recited Acts contained to the contrary thereof in any wise notwithstanding.

Justices of *Middlesex* to have the same Power at their General as at their Quarter Sessions.

XX. And be it further enacted by the Authority aforesaid, That the Justices of the Peace for the said County of Middlesex at their General Sessions of the Peace to be holden for the said County shall have the same Powers and Authorities to put this Act in Execution, as are hereby given them at their General Quarter Sessions; any thing in this, or any former Act, or any Law, Usage, or Custom to the contrary notwithstanding.

Writ of *Certiorari* on what Terms issuable.

XXI. And be it further enacted by the Authority aforesaid, That no Writ of Certiorari, to remove any Rates made in pursuance of this Act, or to remove any Orders or other Proceedings taken or made by the said respective General or Quarter Sessions touching such Rates, shall be taken out or granted, but upon a Motion to be made some time in the first Week of the next Term after the Time for appealing from such Rates or Orders is expired; and upon making it appear to the Court by Affidavit or otherwise, that the Merits of the Question upon such Appeal or Orders will by such Removal come properly in the Judgement of the said Court; and that no such Writ of Certiorari shall be allowed until sufficient Security be given to the respective Treasurer or Treasurers appointed by virtue of this Act, in the Sum of One hundred Pounds, to prosecute such Writ of Certiorari with Effect, and to pay the Costs to be ascertained by the Court to which such Rates, Orders, or Proceedings shall be removed, in case such Rates or Orders shall be confirmed; nor shall any such Rates, Orders, or Proceedings be quashed or vacated for want of Form only; and all Charges attending such Removal shall be defrayed out of that or any subsequent Rate.

Part of the Acts 14 & 43 *Eliz.* and 19 *Car.* II. repealed.

XXII. And be it further enacted by the Authority aforesaid, That so much of the before recited Act passed in the Fourteenth Year of the Reign of Queen Elizabeth, as relates to the Method of taxing Parishes for the Relief of Prisoners; and so much of the said Act of the Forty third Year of the same Reign, as relates to the Method of raising Money for the King's Bench and Marshalsea Prisons, Hospital, and Almshouses; and so much of the said Act of the Nineteenth Year of the Reign of King Charles the Second, as relates to the Method of rating Parishes for providing Materials for the setting poor Prisoners on work, shall be repealed, and be absolutely null and void.

XXIII. Provided

XXIII. Provided nevertheless, That such Sums as have been annually paid to the King's Bench and Marshalsea Prisons, shall be paid out of the Monies arising by virtue of this Act, at such Times, and in such Manner, as is prescribed in and by an Act passed in the Eleventh Year of the Reign of His present Majesty, intituled, An Act for the more effectual securing the Payments of certain Sums of Money, directed by an Act made in the Forty third Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the Relief of the Poor*, to be paid by the respective Treasurers of every County of *England* and *Wales*, for the Relief of the poor Prisoners of the *King's Bench* and *Marshalsea* Prisons; and such Money as shall be judged necessary by the Justices of the Peace in Sessions to be applied in pursuance of the said recited Act of the Fourteenth Year of the Reign of Queen Elizabeth, for the Relief of Prisoners; and of the said Act of the Nineteenth Year of the Reign of King Charles the Second, for providing Materials for the setting poor Prisoners on work, shall be paid out of the Monies arising by this Act. Manner of the Payment of the King's Bench and Marshalsea Money. 11 *Geor.* II. *cap.* 20.

XXIV. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing that shall be done in pursuance or by the Authority of this present Act, in every such Case the Action or Suit shall be commenced within Three Months next after the Fact committed, and not afterwards, and shall be laid and brought in the respective County in which the Cause of Action or Suit shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited for bringing the same as aforesaid, or shall be brought in any other County or Place; that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Actions or Suit, after the Defendant or Defendants hath or have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

CAP. XXX.

An Act for granting a Liberty to carry Sugars, of the Growth, Produce, or Manufacture of any of His Majesty's Sugar Colonies in *America*, from the said Colonies directly to foreign Parts, in Ships built in *Great Britain*, and navigated according to Law.

WHEREAS by an Act made in the Twelfth Year of the Reign of the late King *Charles* the Second, intituled, *An Act for encouraging and increasing of Shipping and Navigation*, and another Act made in the Fifteenth Year of the said King, intituled, *An Act for the Encouragement of Trade*, and another Act made in the Five and twentieth Year of the Reign of the said King, intituled, *An Act for the Encouragement of the* Greenland *and* Eastland *Trade, and for the better securing the Plantation Trade*; which Acts have been by subsequent Acts since continued, and are now in Force, all Sugars of the Growth or Production of the *English* Plantations in *America*, *Asia*, or *Africa*, are obliged to be imported into *England*, *Wales*, or *Berwick* upon *Tweed*, or to some other of the *British* Plantations in *America*, under such Securities and Penalties as other enumerated Goods and Commodities of the Growth, Production, or Manufacture of the said Plantations, are subjected to by the said Acts, some, or one of them: And whereas His Majesty's Sugar Colonies in *America* are of great Importance to the Trade, Navigation, and Strength of this Kingdom: And whereas the Planters of the said Sugar Colonies are unable to improve or carry on the Sugar Trade on an equal Footing with foreign Sugar Colonies, without some Advantages and Relief be given them from *Great Britain*: And whereas it is reasonable to expect, that not only the Produce of the said Commodity in the said Colonies, but also the Exportation thereof, would be greatly increased, for the mutual Benefit of this Kingdom and the said Colonies, if (notwithstanding the Laws relating to Navigation and Trade to and from the Plantations) Liberty or Licence were granted for Ships built in and sailing from *Great Britain*, and chiefly owned by Subjects of His Majesty residing in *Great Britain*, to load Sugars in the said Colonies, and to carry the same directly to any foreign Ports in *Europe*, first touching at some Port or Ports in *Great Britain* (except where such Ship goes to the Southward of Cape *Finisterre*) whereby the said Sugars will arrive at such Ports sooner, with less Charge, and in better Condition for the Consumption thereof: For this End, and to encourage His Majesty's Subjects in the British Sugar Colonies in America to improve and extend their Settlements there, and to prevent any Prejudice or Damage to this Nation, which might happen thereby from any unlawful Commerce between the Plantations and any foreign Countries, and to secure the Navigation, Shipping, Intercourse, and Dependence on Great Britain; may it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Three Acts passed in the Twelfth, Fifteenth, and Five and twentieth Years of the Reign of the late King Charles the Second, so far as the same extend to Sugar of the Growth and Produce of His Majesty's Plantations in America, being one of the Commodities enumerated in the said Acts, shall be and are hereby ratified and confirmed, as to all Persons, Ships, Vessels, or Places, in all respects whatsoever; except only as to such Sugars as by this Act shall be permitted or allowed to be exported from His Majesty's said Sugar Colonies in America, by such Persons, and in such Ships and Vessels, and to such Foreign Countries and Places, and under such Entries, Securities, Restrictions, Regulations, Limitations, Penalties, and Forfeitures, as are herein after particularly described, appointed, limited, and enacted, for that Purpose. Preamble, reciting the Acts 12 *Car.* II. *cap.* 18. and 15 *Car.* II. *cap.* 7. and 25 *Car.* II. *cap.* 7. The said Acts ratified, with Exception.

II. And be it enacted by the Authority aforesaid, That from and after the Twenty ninth Day of September, One thousand seven hundred and thirty nine, it shall and may be lawful, notwithstanding any of the Acts aforesaid or any other Act of Parliament, for any of His Majesty's Subjects, in any Ship or Vessel built in Great Britain and navigated according to Law and belonging to any of His Majesty's Subjects of which the major Part shall be Conditions on which Sugars may be carried from the *American* Colonies directly to foreign Parts.

be residing in Great Britain, and the Residue shall be residing either in Great Britain or in some of His Majesty's Sugar Colonies in America, and not elsewhere, that shall clear outwards in any Port of Great Britain for any of the said Colonies, to ship or load in the said Colonies, or any of them, any Sugars of the Growth, Produce, and Manufacture of the said Colonies, or any of them, and to carry the same from thence to any Foreign Part of Europe; provided a Licence be first taken out for that Purpose under the Hands of the Commissioners of His Majesty's Customs at London or Edinburgh, or any Three or more of them respectively, subject to the Regulations, and on the Conditions hereafter mentioned, that is to say, That Notice be first given in Writing by the Master or other Person having the Command, or taking the Charge of, or by One or more Owner or Owners of such Ship or Vessel to the Customer, or Collector, and Comptroller of such Port in Great Britain, where such Ship or Vessel shall happen to be, of the Intention of such Master or other Person, or any Owner, that such Ship or Vessel shall proceed to the said Sugar Colonies, or some of them, in order to lade Sugars to be carried to some other Part of Europe than Great Britain; and that such Master, or other Person taking Charge of such Vessel as aforesaid, or Owner, shall enter into Bond, to the Use of His Majesty, His Heirs, and Successors, with One or more sufficient Securities, in the Sum of One thousand Pounds, if the Ship be of less Burthen than One hundred Tons; and in the Sum of Two thousand Pounds, if she be of that or greater Burthen; with Condition, that in case a Licence be granted, giving Liberty to such Ship or Vessel to lade and carry Sugars from His Majesty's Sugar Colonies to foreign Parts, that such Ship or Vessel shall proceed from Great Britain to the said Sugar Colonies, and shall deliver the said Licence to the Collector, Comptroller, and Naval Officer there, in case he intends to make use of the Liberty granted by such Licence, which he shall declare in Writing to the Collector, Comptroller, and Naval Officer, before he takes any Goods on Board, and that in such case, no Tobacco, Molasses, Ginger, Cotton, Wooll, Indigo, Fustick, or other Dying-wood, Tar, Pitch, Turpentine, Hemp, Masts, Yards, Bowsprits, Copper Ore, Beaver Skins, or other Furrs, of the Growth, Production, or Manufacture of any British Plantation in America, shall be taken on Board any such Ship or Vessel, unless it be for the necessary Provisions in her Voyage; and that such Ship or Vessel, before she proceeds to any foreign Port or Place, shall touch at some Port in Great Britain; and that the Master or Person having the Command of such Ship shall deliver to the Customer, or Collector, and Comptroller of such Port, a true and exact Manifest attested upon Oath, or if a Quaker by Affirmation, of the whole Lading, mentioning the Marks, Numbers, Package, and Contents of all the Goods on Board; and shall also bring back and produce to them the Licence granted for such Ship or Vessel to carry such Sugars to foreign Parts, with a Certificate indorsed on such Licence, or affixed thereto, containing an Account of the Marks, Numbers, Package, Contents, and Sorts of all the Sugars laden on board such Ship or Vessel in the Manner directed by this Act, as is herein after mentioned; and that when such Ship or Vessel hath discharged her Lading so taking on board in some Foreign Part (the Danger of the Seas and Enemies excepted) she shall proceed for and return to Great Britain, within Eight Months after she shall have delivered her Lading in any foreign Part, and before she returns to any of His Majesty's Plantations in America; and that in case such Ship or Vessel shall take on Board any Goods or Merchandizes before her Return to Great Britain, all such Goods and Merchandizes that shall remain on Board the said Ship on her Arrival in Great Britain, shall be entered and landed on the Return of such Ship or Vessel to Great Britain, in like Manner as all other Ships and Vessels importing Goods into this Kingdom are obliged to do by the Laws of the Customs; or otherwise such Bond shall be forfeited.

III. And it is further enacted by the Authority aforesaid, That upon such Bond being entered into, and other Requisites before mentioned being duly complied with, a Licence shall be granted accordingly, giving Liberty for that Voyage only, to load and carry Sugars of the Growth and Production of His Majesty's Sugar Colonies to any foreign Part, in the Manner, and according to the Purport and Intention of this Act: Provided nevertheless, That no Ship or Vessel shall have Licence to carry Sugar to foreign Parts by virtue of this Act, unless it shall first appear by Oath, or in case of a Quaker by Affirmation, of the Master or Person taking Charge of such Ship or Vessel, that the Property thereof is in His Majesty's Subjects, of which the major Part are residing in Great Britain, and the Residue residing either in Great Britain or in some of His Majesty's Sugar Colonies in America, and not elsewhere; such Oath or Affirmation to be in the Form, and according to the Directions herein after mentioned; that is to say,

Oath to be taken that the Ship belongs to *British* Subjects, before Licence be given.

The Oath.

A. B. { maketh Oath / solemnly declares and affirms } that the { Ship / Vessel } called the [*name*] whereof he this { Deponent / Affirmant } is Master, and hath the Charge and Command for this present Voyage to [*Place bound to*] being [*describe the Built*] { Ship / Vessel } of the Burthen of [*number*] Tons was built at [*Place*] in the Year [*time when*] and that the said { Ship / Vessel } is wholly owned by the { Person / Persons } whose { Name / Names } and usual { Place / Places } of Abode { is / are } undermentioned and subscribed by this Deponent or Affirmant, that such { Owner / Owners } { is / are } His Majesty's *British* { Subject / Subjects } and that no Foreigner directly or indirectly hath any Share, Part, or Interest in the said { Ship / Vessel } to the best of this { Deponents / Affirmants } Knowledge or Belief; and that he this { Deponent / Affirmant } and Three Fourths of the Mariners navigating the said { Ship / Vessel } are His Majesty's *British* Subjects.

IV. And

IV. And be it further enacted, That in case any Ship or Vessel, licensed by virtue of this Act shall take on Board in any of the Sugar Islands, or in her Voyage from thence, any Sugars, or other Goods, being the Property of any other Person than some of His Majesty's Subjects, and such as shall be shipped and laden on their proper Risque and Account, to be carried to foreign Parts; then all such Sugars or other Goods so laden on such Ship shall be forfeited and lost. Penalty on taking in foreign Goods.

V. And be it further enacted, That before any Sugar be loaden or put on Board any Ship or Vessel at the said Colonies, or any of them, by virtue of the said Licence, to be carried to any foreign Port in Europe, the Master, or other Person having or taking Charge of such Ship or Vessel, shall deliver to the Collector of the Port where such Ship is to take in her Lading, the said Licence signed by the Commissioners of the Customs, and a Certificate of such Bond having been given in Great Britain as aforesaid; and shall declare in Writing to the Collector, whether he intends to load any Sugar pursuant to such Licence, which shall be done before any Goods are laden on Board such Ship or Vessel, otherwise such Licence shall be invalid and of no Force and Virtue; but if it shall be declared as aforesaid, that Sugars are intended to be laden and carried to foreign Parts, pursuant to such Licence, then in Order to ascertain the Quantity, Quality, Sort, or Denomination of the Sugars to be exported in every such Ship from the said Colonies, or any of them, pursuant to such Licence, and the Liberty granted by this Act, and to prevent the Exportation from the said Colonies of any Goods before enumerated, the Merchant or other Person intending to export any Sugars or other Goods not enumerated in such Ship or Vessel, shall, before the same or any Part thereof are shipt or put on Board, make an Entry or Entries of such Sugars, or other Goods not enumerated, in Writing, with the Collector and Comptroller of His Majesty's Customs, and the naval Officer, expressing the Name of the Ship and the Master, on which such Sugars, or other Goods not enumerated, are to be laden, and where she lies; and also the Places, Quays, or Wharfs where they are to be laden, or first Water-borne in order to be laden; which shall be such only where an Officer or Officers are or shall be appointed to attend the lading and shipping thereof, or at such Places as shall be mentioned in a Sufferance or Warrant to be taken out from the Collector and Comptroller for that Purpose; and shall thereon take out from the said Collector and Comptroller a Cocquet or Warrant accordingly, whereon shall be endorsed by the Exporter the Marks, Numbers, Contents, Sorts, or proper Denomination of such Sugars, and shall deliver the Cocquet or Warrant so endorsed to the Searcher, and other Officer appointed for the examining and shipping thereof, and shall ship or lade such Sugars in the Presence of such Officer or Officers, or at such Places as shall be mentioned in the said Sufferance or Warrant, that the proper Officer or Officers may attend the shipping thereof; and such Officer or Officers are hereby impowered to examine the same before they are put on Board; and if upon examining the said Sugars, or any Goods or Package, which shall be shipt, or brought to be shipt as such, by Virtue of such Cocquet or Warrant, either before or after the shipping thereof, the Number of Casks shall appear to be greater than is endorsed thereon, or if there shall be found any other Sugar but such as shall be so endorsed on such Cocquet or Warrant taken out and delivered as aforesaid, or any of the Goods before enumerated, which by Law are to be carried from thence only to Great Britain, or some of His Majesty's other Plantations in America; or if it shall be discovered, that any enumerated Goods, other than Sugar, have been laden or put on Board any Ship or Vessel, having Liberty to trade by virtue of this Act, or shall be brought to be shipped on Board such Ship or Vessel, or shall be put into any Hoy, Lighter, Bottom, Boat, or other Vessel, in order to be put on Board such Ship or Vessel, before such Entry, or taking out such Cocquet or Warrant, endorsing and delivering of the same, and not being shipped in the Manner aforesaid, but shall be put on Board, or attempted to be put on Board, contrary to the Directions of this Act; all such Sugar and other Goods so shipped or brought to be shipped in any of the Cases aforesaid, shall be forfeited and lost, as also the Hoy, Lighter, Bottom, Boat, or other Vessel or Carriage whatsoever, employed in shipping, or attempting to ship any enumerated Goods, other than Sugars, together with the Ship or Vessel on which such other enumerated Goods shall be laden; and the Owner of such Sugar or other Goods shall also forfeit double the Value thereof, to be recovered in the Court of Vice Admiralty held in any of His Majesty's Plantations in America, or in any other Court of Record in any of His Majesty's Plantations in America, at the Election of the Informer or Prosecutor; one third Part to be to the Use of His Majesty, His Heirs, and Successors, one third Part to the Governor of the said Colony, and the other one third to the Informer or Prosecutor; and before such Ship or Vessel shall depart from the said Colonies with the Sugar laden as aforesaid, the Master, or other Person having or taking Charge thereof, shall receive the said Licence from the Collector and Comptroller and Naval Officer, with a Certificate endorsed thereon, or affixed thereto, under their Seals of Office, containing an Account of the Marks, Numbers, Contents, and Sorts of each Cask of such Sugar so shipt on Board; which Endorsement or Certificate shall be signed by the said Collector and Comptroller and Naval Officer; and the Collector and other Officers aforesaid, shall make Two Copies of such Licence, Endorsements, or Certificates; for all which Entries, Cocquets, Endorsements, and Certificates, or Copies, no more shall be taken by the said Officers than the legal and accustomed Fees; and the Master, or other Person having or taking Charge of such Ship, shall, before he receives the said Licence, attest the said Copies under his Hand, which are to be left with the Collector and Comptroller and Naval-officer; and the said Collector and Comptroller are hereby required, as soon as conveniently they can, to transmit one of the said Copies of the Endorsements or Certificates to the Commissioners of the Customs in Great Britain respectively, by whom the Licence was granted when the said Ship or Vessel set sail from Great Britain; and the said Master or other Person having or taking charge of such Ship, shall proceed from the said Sugar Colonies directly to Great Britain, without putting into any other Port or Place, unless forced by Stress of Weather, Proof whereof shall in such Case be made on Oath to the Satisfaction of the Commissioners of the Customs in Great Britain respectively; and on the Return

Conditions previous to the lading Sugars, &c. at the said Colonies.

Penalty on a Fraud in the Shipping.

Master to have a Licence and Certificate before the Vessel departs;

to be delivered on her Return to *Great Britain*, to the Commissioners, or Collector of the Port.

turn of such Ship or Vessel to Great Britain the said Master or other Person shall produce and deliver the said Licence to the said Commissioners of His Majesty's Customs respectively, or to the Collector and Comptroller of the Port at which she shall arrive, immediately on such her Arrival, with the Indorsement made thereon, or Certificate annexed thereto, by the Collector and Comptroller, of the Marks, Numbers, Contents, Sorts, or Denomination of such Sugars loaden on Board in the said Colonies, or any of them, as herein before directed; and shall also deliver a true and exact Manifest, expressing the Marks and Numbers, with the Tale and Sorts of Casks of all his Lading, attested upon Oath, or if a Quaker by Affirmation, before the Collector and Comptroller of such Port where he shall arrive, who are hereby impowered to administer the same; and shall also make an Entry or Entries of the Quantities and Sorts of all the Sugars which were laden on Board the said Ship at any of the said Colonies as aforesaid, and then remaining on Board and bound to foreign Parts; which Entry or Entries the Customer, or Collector and Comptroller of such Port are to pass, without demanding or receiving any Custom or Duties for such Sugar; mentioning in their Accounts, that such Entries were passed by virtue of this Act; and shall also declare on Oath, or if a Quaker on his Affirmation, to what foreign Port or Ports he is bound with such Lading; then such Master or other Person having Charge of such Ship or Vessel shall be at Liberty to proceed with all the Goods on Board mentioned in such Manifest, being none of the Goods before enumerated, to any foreign Port or Place whatsoever, without being obliged to land or pay Duty for the same, as aforesaid, taking with him the said Licence, and a Certificate thereon or annexed thereto, under the Seals of Office from the said Customer, or Collector and Comptroller, testifying that the said Ship or Vessel, and the Master, or other Person having Charge thereof, had touched at such Port, and had in all respects complied with the Directions of this Act: But in case any such Vessel shall proceed to any foreign Part without having first touched at some Port in Great Britain, and having complied with the several Directions of this Act, and having the same certified as aforesaid; or in case any Goods of the Growth, Produce, or Manufacture of any of the American Colonies or Plantations, enumerated as aforesaid, besides Sugars, shall be found on Board, or carried by any such Ship or Vessel to any foreign Parts; then the Liberty granted by such Licence shall cease, and become void and of no Effect; and such Ship or Vessel, and also the Master, or other Person having or taking Charge of such Ship or Vessel, and all others concerned shall be liable and subject to all and every the same Penalties and Forfeitures, as they would have been subject and liable to in case this Act had not been made.

Oath to be taken, and Entry to be made.

Penalty on going to foreign Parts without touching at some Port in *Great Britain*.

VI. And in order to discover whether any Goods before mentioned and herein before enumerated, besides Sugars, have contrary to this Act been taken or laden on Board any Ship or Vessel as shall lade Sugars by virtue of such Licence, and shall touch at some Port of Great Britain in order to proceed to foreign Parts; be it further enacted by the Authority aforesaid, That if the Commissioners of His Majesty's Customs in Great Britain respectively, or the Customer, or Collector and Comptroller of the Port where such Ship or Vessel shall touch, shall upon Information upon Oath have sufficient Cause to suspect that some enumerated Goods, other than Sugars, are on Board such Ship or Vessel, and shall thereupon judge it necessary to take out or unlade the Goods from any such Ship or Vessel, or any Part thereof; in such case it shall and may be lawful for any Officer or Officers of His Majesty's Customs, or any Person or Persons employed by them, to enter and remain on Board such Ship or Vessel, and to unlade the same, or any Part thereof, as they shall judge necessary, to enable them to examine any Part of such Ship or Vessel, and all the Goods on Board, and to detain her so long as shall be necessary for that Purpose; and also to open and examine any Cabbins, Lockers, false Bulk-head, or any Concealments, or other Places in the Sides of such Ship or Vessel, or any other Part thereof, or to open and examine any Chest, Trunk, Box, Cask, Case, or Package whatsoever, to discover whether any more or other Goods are on Board, other than such as are mentioned in the Manifest delivered by the Master, and to seize and bring on Shore all Goods or Merchandizes not mentioned therein; and all such Goods shall be forfeited and lost, and shall and may be prosecuted and divided in the Manner hereafter mentioned: Provided, That in case no Goods be found on Board such Ship or Vessel, but what are mentioned in the Manifest delivered by the Master, that then the Officer or Officers who shall land or take any Goods out of such Ship or Vessel, or open any Part of such Ship or Vessel, or unpack any Goods, shall reload and repack the same, and repair such Damage as shall be done by landing, unloading, or unpacking thereof, without being liable to any other Costs or Damages for Demurrage, or on any other Account whatsoever; but if any other Goods are found on Board, besides such as are mentioned in the Master's Manifest (except the necessary Provisions of the Ship for the Voyage) then the Master, or other Person having Charge thereof, shall be at the Charge of reloading and repacking all the Goods unladen or opened, and of repairing all other Damages whatsoever occasioned thereby, or in opening or examining the Sides of the Ship, or otherwise, in the Execution of this Act; and the Officer or Officers concerned shall not be at any Expence, or incur or be liable to any Costs or Damages whatsoever.

Officers of the Customs impowered to examine suspected Ships.

If there be no Fraud, Officers to reload, and repair Damages.

VII. And be it further enacted and declared by the Authority aforesaid, That if any Ship or Vessel shall have on Board any Sugar, for which Licence shall have been granted as aforesaid, or any other Goods that are not enumerated in the Acts before mentioned; and the Owner or Owners thereof, his or their Factor or Agent, shall, on the Arrival of such Ship or Vessel in any Port of Great Britain, be desirous to enter and pay His Majesty's Duty, and land the said Goods, or any Part thereof; he or they shall have Liberty so to do; the Master of the Ship first making a Report of his whole Lading, with the proper Officers of the Customs, in like Manner as he was required by Law to do before the making of this Act.

Sugars, &c. may be landed in *Great Britain*, on paying the Duties.

VIII. Provided nevertheless, and be it further enacted and declared by the Authority aforesaid, That if the said Master, or other Person having or taking Charge of such Ship or

Veſſel, for which a Licence ſhall have been granted as aforeſaid, ſhall on his Arrival in any of His Majeſty's ſaid Sugar Colonies have delivered to the Collector, Comptroller, and Naval Officer, the ſaid Licence, with a Certificate of Bond being given in Great Britain as aforeſaid, and ſhall, before he lades any Goods, declare in Writing, upon Oath, or if a Quaker on his Affirmation, before them or any Two of them (which Oath or Affirmation, they are hereby impowered to adminiſter, and to endorſe the ſame on the Back of ſuch Licence, where it ſhall be atteſted by them) that the Sugars he intends to load purſuant to ſuch Licence, are to be carried to ſome Port or Ports, Place or Places, to the Southward of Cape Finiſterre; then the ſaid Maſter or other Perſon may, in caſe he has in all Reſpects complied with the ſeveral Directions in this Act, proceed thither directly with ſuch Ship or Veſſel and her Lading accordingly, taking with him ſuch Licence, and Oath or Affirmation endorſed thereon as aforeſaid, together with an Account of the Marks, Numbers, Package, Contents and Sorts of Sugars laden by virtue of ſuch Licence, likewiſe endorſed thereon, or contained in a Certificate annexed thereto, in the Manner before directed, and may there land the ſame, without firſt touching at any Port in Great Britain; any thing in this Act to the contrary notwithſtanding: But in ſuch Caſe the Maſter, or other Perſon taking Charge of ſuch Ship or Veſſel, ſhall within Eight Months after landing the ſaid Sugars at ſuch Port or Place, Ports or Places, and before ſuch Ship or Veſſel ſhall go again to any of His Majeſty's Plantations in America, return to ſome Port of Great Britain, and on his Arrival there deliver his ſaid Licence to the Commiſſioners of the Cuſtoms reſpectively, or the Cuſtomer, or Collector, and Comptroller of ſuch Port, with ſuch Oath or Affirmation endorſed thereon, and an Account of the Lading endorſed likewiſe thereon, or contained in a Certificate annexed thereto as aforeſaid, together with a Certificate from the Conſul, or Two known Britiſh Merchants of good Credit reſiding at the Ports or Places where ſuch Sugars were landed, teſtifying the Landing thereof as aforeſaid; and the Maſter, or other Perſon taking Charge of ſuch Ship or Veſſel, ſhall likewiſe make Oath, or if a Quaker make a ſolemn Affirmation, before the Cuſtomer, or Collector and Comptroller, to the Truth of ſuch Certificate; and that none of the Goods before enumerated, except Sugar, were taken on Board at any of the ſaid Colonies, or landed at the Port or Place mentioned in the ſaid Certificate; and the Maſter, or other Perſon taking Charge of ſuch Ship or Veſſel, ſhall likewiſe make an Entry or Entries with ſuch Cuſtomer, or Collector and Comptroller, of the Quantity and Sorts of all the Sugars laden on Board the ſaid Ship or Veſſel at any of the ſaid Colonies as aforeſaid, and landed at any Port or Place to the Southward of Cape Finiſterre; which Entry or Entries the Cuſtomer, or Collector and Comptroller are to paſs, without demanding or receiving any Cuſtom or Duties for the ſame, mentioning in their Accounts, that ſuch Entries were paſſed by virtue of this Act; and in caſe the Maſter, or other Perſon taking Charge of ſuch Ship or Veſſel, ſhall neglect or refuſe to make an Entry or Entries of ſuch Sugars ſo landed as aforeſaid, with the Cuſtomer, or Collector and Comptroller, of the Port where he ſhall arrive, on his returning to Great Britain; he ſhall forfeit and loſe One hundred Pounds, whereof One Moiety ſhall be to the Uſe of His Majeſty, His Heirs, and Succeſſors, and the other Moiety to ſuch Perſon or Perſons as will ſue for and recover the ſame.

Sugars with a Licence may be carried to the Southward of *Cape Finiſterre*, without touching at *Great Britain*.

But to return thither within 8 Months after landing, with the Licence and Certificate.

Oath and Entry to be made.

IX. And be it further enacted by the Authority aforeſaid, That upon the Return to Great Britain of any Ship or Veſſel which ſhall, purſuant to the Liberty given by this Act, carry Sugars from his Majeſty's Sugar Colonies, to any Foreign Parts, the Maſter, or other Perſon taking Charge of ſuch Ship or Veſſel, ſhall in either Caſe before mentioned bring back and deliver to the Commiſſioners of the Cuſtoms reſpectively, or to the Cuſtomer, or Collector and Comptroller, of the Port in Great Britain, where ſuch Ship or Veſſel ſhall arrive, the ſaid Licence, together with a Certificate ſigned and ſealed by the Conſul, or Two known Britiſh Merchants of good Credit at the Port or Place where ſuch Sugar was landed, certifying the Landing thereof, with the Number of Casks of Sugar ſo landed, and the Mark, Number, and Contents of each Cask, with the Name of the Ship and Maſter; and that they verily believe that no Tobacco or other Goods before enumerated (except Sugar) have been there landed out of ſuch Ship or Veſſel; and upon ſuch Licence being returned, with the Oath or Affirmation of the Maſter, and an Account of the Lading endorſed thereon or annexed thereto as aforeſaid, and alſo upon ſuch Certificate of the Conſul, or Two known Britiſh Merchants of good Credit, being produced, and Oath or Affirmation made as aforeſaid, and the ſeveral other Matters and Things required by this Act being duly complied with, the Bond given before granting ſuch Licence ſhall be diſcharged and delivered up; any thing in the ſaid Bond or in this Act contained to the contrary thereof in any wiſe notwithſtanding; otherwiſe ſuch Bond ſhall be forfeited, and ſhall and may be proſecuted in the Manner directed by this Act.

On performing the Requiſites, Bond to be diſcharged; or otherwiſe forfeited.

X. And be it further enacted by the Authority aforeſaid, That in caſe any ſuch Ship or Veſſel ſhall, after the unloading ſuch Sugars or any Part thereof, take on Board any Goods or Merchandize before her Return to Great Britain, all ſuch of the ſaid Goods and Merchandize as ſhall remain on Board at her Arrival in Great Britain, ſhall be entered and landed on the Return of ſuch Ship or Veſſel to Great Britain and before her Departure from thence; and ſhall be ſubject to ſuch Entries, Rules, Regulations, Prohibitions, Penalties, and Forfeitures, as the like Goods and Merchandize imported in any other Ship or Veſſel are or would be ſubject and liable unto by this or any Law or Laws of the Cuſtoms.

Ships unlading ſuch Sugars and taking in other Goods, ſubject to Entries, *&c.*

XI. And be it further enacted by the Authority aforeſaid, That this Act, or any thing therein contained, ſhall not extend, or be conſtrued to extend or excuſe any Ship or Veſſel trading to, in, or from the ſaid Sugar Colonies, being regiſtred purſuant to the Act made in the Seventh and Eighth Year of His late Majeſty King William the Third, on Proof of the Property made by one or more of the Owners, in the Manner and under the Penalties and Forfeitures inflicted by the ſaid Act.

This Act not to excuſe Ships from being regiſtred.

XII. And

XII. And for Prevention of Seamen or Mariners deserting such Ships or Vessels, or expending their Wages abroad, which may be of great Detriment to Trade and Navigation, and is often occasioned by the Owner or Owners of Ships or Vessels paying Wages to the Seamen or Mariners when abroad; be it further enacted by the Authority aforesaid, That no Master or Owner of any Ship or Vessel carrying Sugars as aforesaid, shall pay or advance, or cause to be paid or advanced to any Seaman or Mariner, during the time he shall be in Parts beyond the Seas, any Money or Effects upon Account of Wages, exceeding One Moiety of the whole Wages which shall be due from the time of his Departure from Great Britain, until such Ship or Vessel shall return to Great Britain; and if any such Master or Owner of such Ship or Vessel shall pay or advance, or cause to be paid or advanced any Wages to any Seaman or Mariner above the said Moiety, such Master or Owner shall forfeit and pay double the Money he shall so pay or advance, or cause to be paid or advanced, to be recovered in the High Court of Admiralty by any Person who shall first discover and inform of the same.

Seamen to be paid but half their Wages before their Return home.

XIII. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures incurred by this Act (except where it is otherwise hereby provided) shall and may be prosecuted in any of His Majesty's Courts of Record at Westminster, or the Court of Exchequer in Scotland; One Moiety whereof to be for the Use of His Majesty, His Heirs, and Successors, and the other Moiety to him or them who will sue for, prosecute, and recover the same; wherein no Essoign, Protection, or Wager of Law shall be allowed, nor any more than one Imparlance.

Forfeitures how to be recovered.

XIV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall be sued or prosecuted for any thing done or to be done in pursuance of this Act, such Person or Persons may plead the General Issue, and give this Act and the special Matter in Evidence; and if the Plaintiff or Plaintiffs, Prosecutor or Prosecutors shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Action, or if a Verdict pass against him, her, or them, the Defendant or Defendants shall have Treble Costs, and shall have the like Remedy for the same, as in Case where Costs are by Law given to Defendants.

Persons sued may plead the General Issue.

Treble Costs.

XV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall grant any false Certificate, or counterfeit, erase, or alter any Licence, Oath, or Certificate, made or given pursuant to this Act, or shall knowingly or wittingly publish or make use thereof; such Person or Persons shall forfeit Five hundred Pounds, to be recovered and disposed of in the Manner directed by this Act; and such Licence, Oath, or Certificate, so falsified, counterfeited, erased, or altered, shall be invalid, and of no Effect.

Penalty of granting false Certificates, and Forgeries.

Proviso.

XVI. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to give or grant any Liberty to carry any Sugars from any of the said Sugar Colonies to Ireland.

Commencement and Continuance of this Act.

XVII. And be it further enacted, That this Act shall continue and be in Force Five Years, to be reckoned from the Twenty ninth Day of September, One thousand seven hundred and thirty nine, and from thence to the End of the then next Session of Parliament, and no longer. By 31 G. 2. c. 35. further continued to 29 September 1764. and from thence to the then next Sessions of parliament.

CAP. XXXI.

An Act for establishing and well governing an Hospital or Infirmary in the City of *Bath*.

Preamble.

WHEREAS the Medicinal and Mineral Waters of the City of *Bath* in the County of *Somerset* have been found by long Experience, to give great Relief to Persons labouring under, or being afflicted with divers Diseases, Illnesses, or Disorders incident to human Bodies; but it very often happens, that poor Persons so afflicted live at a great Distance from the said City of *Bath*, and cannot bear the Expence of going thither, and attending to use the said Waters, by reason whereof great Numbers of such poor Persons have been prevented from using and trying such Waters for their Benefit and Relief: And whereas His most Excellent Majesty hath out of His Royal Bounty, and divers other charitable and well-disposed Persons have contributed and raised by free Gift the Sum of Four thousand Pounds, and upwards, in order to erect an Hospital or Infirmary in the said City of *Bath*, for the Relief and Support of such indigent and poor Persons resident in and belonging to *Great Britain* and *Ireland*, as are not able without such Charity to have any Benefit from the said Waters, and have actually begun to build such Hospital or Infirmary, and are now carrying on the same, not doubting but that it will by the present and future Subscriptions and other Charities be compleated and continued for the Benefit of Futurity: And whereas the said Charity deserveth to be promoted and encouraged, and will greatly tend to the Honour and good of the Publick; but as the good and generous Intentions of His said most Excellent Majesty, and the said charitable and well-disposed Persons, cannot be so well and fully effected without an Act of Parliament, for the promoting, establishing, and making good and effectual the said pious and charitable Intentions; **may it please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty fourth Day of** May, **in the Year of our Lord One thousand seven hundred and thirty nine, there be and shall be a Corporation, to continue for ever, to and for the better regulating, governing, ordering, and establishing the said Hospital or Infirmary; and that the most Noble** Henry **Duke of** Beaufort, **the most Noble** William **Duke of** Manchester, **the Right Honourable** Philip **Earl of** Chesterfield, **the Right Honourable** Henry **Earl of** Clarendon **and** Rochester, **the Right Honourable** William **Earl of** Essex, **the Right Honourable** Richard **Earl of** Scarborough, **the Right Honourable** Edward **Earl of** Oxford **and Earl** Mortimer, **the Right Reverend** John **Lord Bishop of** Worcester, **the Right Reverend** John **Lord Bishop of** Bath **and** Wells, **and the Bishop of** Bath **and** Wells **for the time being, the Right Reverend** Thomas **Lord Bishop of** Oxford, **the Right Honourable** Henry Earl of Thomond, **the Right Honourable** Herbert **Lord Viscount** Windsor, **the Right Honourable** Arthur Onslow **Esquire, Speaker of the Honourable House of Commons, the Right**

Governors appointed.

Right Honourable Earl of Montrath in the Kingdom of Ireland, the Right Honourable Henry Lord Viscount Palmerston in the Kingdom of Ireland, the Right Honourable William Lord Sundon in the Kingdom of Ireland, the Honourable Sir William Thompson Knight, one of the Barons of His Majesty's Court of Exchequer, the Honourable Lieutenant General George Wade, the Honourable Sir Thomas Lumley Saunderson, Knight of the most Honourable Order of the Bath; Sir William Wyndham, Sir Philip Parker Long, Sir William Wentworth, Sir Seymour Pyle, Sir John Smith of Long Ashton, Baronets; Sir John Jennings Knight, the Honourable William Pulteney, the Honourable Edward Southwell, Thomas Carew, John Codrington, Richard Nash, George Bridges, Thomas Strangeways Horner, Francis Coulson, Thomas Prowse, Henry Harrington, Francis Fauquier, William Woolaston, Robert Needham, Frazier Honeywood, Matthew Weymondsell, James Joye, Wentworth Harman, Harbord Harbord, John Willis, Edward Gore of Boxton, John Ward, Abraham Atkins junior, Samuel Holden, Stephen Ashley, Stephen Soames, William Fazakerley, Theodore Smith, Thomas Coster, John Carew, Robert Smith, Richard Roberts, Ralph Allen, John Fell, James Colebrook, Robert Smith of Bristol, Henry Hoar, Benjamin Hoar, Richard Hoar, and Christopher Arnold, Esquires; the Mayor of the City of Bath for the time being, the Two Justices of the said City of Bath for the time being, the Reverend Thomas Coney Doctor in Divinity, Rector of Bath, and the Rector of Bath for the time being, George Cheyne, William Oliver, Edward Harrington, Alexander Rayner, Richard Mead, George Randolph, Broxholme, and John Lane, Doctors in Physick; Henry Brooke Doctor of the Civil Law, Master Jeremiah Pearce Surgeon, the Reverend Master Humphry Hall, the Reverend Master James Sparrow, the Reverend Master Walter Chapman, Master Samuel Bush, Master James Greist, Master John Harford, Apothecaries; Master Paul Bertrand, Master James Leake, Master Richard Colloby, Master John Stagg, the Reverend Edmond Archer Doctor in Divinity, Archdeacon of Wells; the Reverend Lawson Huddleston Archdeacon of Bath, and Master Bennet Strevenston, and their Successors to be elected and named in Manner herein after directed and appointed, shall be, and are hereby declared and adjudged to be one Body Corporate and Politick in Deed and in Law, by the Name of The President and Governors of the Hospital or Infirmary at *Bath*; and that by the same Name of The President and Governors, they shall have perpetual Succession, and a common Seal, with Power to change, alter, break and make new the same, when and as often as they shall judge expedient; and by the same Name may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of Record and Places of Judicature within this Kingdom; and that they and their Successors by the Name aforesaid shall be able and capable in Law to have, hold, receive, enjoy, possess, and retain, to them and their Successors, in Trust for, and for the Benefit of the said Charity, all such Sum and Sums of Money as have been contributed and raised as aforesaid, or shall at any Time or Times hereafter be raised and contributed, given, devised, or bequeathed by any charitable and well disposed Persons, to and for the charitable Ends and Purposes in this Act mentioned; and that they and their Successors, by the Name aforesaid, shall and may at any Time hereafter, without Licence in Mortmain, purchase, take, or receive any Lands, Tenements, or Hereditaments, or any Estate or Interest arising or derived out of the same, so that the said Lands, Tenements, or Hereditaments, or any Estate or Interest arising or derived out of the same, exceed not in the whole the annual Rent or Value of One thousand Pounds, over and above all Reprizes.

who are declared a Body Corporate and Politick, &c.

II. And be it further enacted by the Authority aforesaid, That the Site of the Building in the said City of Bath, intended for the said Hospital, and all the Ground and Soil lately purchased or contracted for, for the Accommodation of the same, and all other Particulars intended or agreed for, relating thereto, shall be and is and are hereby vested in the said Corporation, and their Successors, according to the Tenor of the several Contracts and Purchases already made thereof; and that they the said President and Governors, and their Successors to be elected and named in the Manner herein after directed and appointed, shall and may at the Expence, Costs, and Charges of the said Corporation proceed in carrying on and finishing the said Building begun for that Purpose, for the Reception and Relief of such and so many poor Persons as herein after is described; which by the said President and Governors or the major Part of them assembled at a publick Court or Assembly to be held as herein after is mentioned, at which not less than the Number of Nine shall be present, shall or may be deemed and adjudged, and can and may, by, from, or with the Income and Revenues, which shall or may belong or appertain to the said Hospital, be capable to be received, entertained, and relieved therein.

The Building vested in the said Corporation.

Nine to be a *Quorum*.

III. Provided nevertheless, and it is hereby further enacted by the Authority aforesaid, That the Costs and Expences in procuring and obtaining this Act of Parliament shall be paid out of the Monies so raised and contributed as aforesaid.

Expences in procuring this Act, to be paid out of the Contributions.

IV. And it is hereby further enacted, That any Person or Persons whatsoever, resident in and belonging to Great Britain or Ireland, whose Circumstances are such, that they are not able to have the Benefit of the said Waters without charitable Relief, is and are and they are hereby respectively declared to have a Right and be intitled to the Relief of the said Hospital, such Person or Persons to be chosen or admitted into the same from time to time in such Manner, and under such Conditions and Regulations, as are herein after mentioned; that is to say, The Case of such Person or Persons labouring under or afflicted with any Disease, Illnesses, or Disorders, being first drawn up, and attested by some Physician or Person of Skill in the Neighbourhood of the Place where such Person or Persons hath resided for some Time before, of such the State or Condition of such Person or Persons, and a Certificate of the Poverty or Circumstances of such Person or Persons attested by the Minister and Church-wardens of such Place, or other creditable Persons, being transmitted to the Register of the said Hospital, together with the Age or Ages of such Person or Persons; such Certificates shall be laid by the said Register before a Committee of the said Governors appointed to meet on Thursday weekly or at such other Time as they shall think fit; which Committee shall consist of the Number of Seven at least; at which Committees the Physicians and Surgeons belonging to the said Hospital are to attend, having Notice from the Register of the Time of such Meeting;

Method of admitting Patients.

Meeting; and that at the next Committee happening after the Receipt of such Cases and Certificates, the same shall be taken into Consideration; and if it shall appear, and be adjudged by the major Part of the said Committee then present, that such Person or Persons is or are proper Objects of the said Charity, it shall be then entered or minuted down in a Book or Books to be kept for that Purpose by the said Register, and Orders shall be given to the said Register to signify the same to such Person or Persons, or to the Minister or Ministers of the Place or Places of which such Person or Persons is or are; and so soon after as there is a Vacancy or Vacancies in the said Hospital, the said Register shall notify or make known the same by Letter or Letters, or otherwise, for such Person or Persons to come to the said Hospital, within a reasonable Time to be limited for that Purpose; which said Person or Persons so to be admitted, shall bring back the Letter or Letters so wrote or sent from the said Hospital, touching his, her, or their Admission, together with a Certificate or Certificates, if such Person or Persons come from any Part of England or Wales, under the Hands and Seals of the Minister of the Parish, Church-wardens, and Overseers of the Poor of the Parish, Township, or Place, or Two of them, belonging to such Part of England or Wales; or under the Hands and Seals of the Minister of the Parish and Overseers of the Poor, or any Two or more of them, where there are no Church-wardens, to be attested by Two or more credible Witnesses, thereby owning and acknowledging the Person or Persons mentioned in such Certificate or Certificates, to be an Inhabitant or Inhabitants legally settled in or belonging to that Parish, Township, or Place, every such Certificate having been allowed of and subscribed by Two or more of the Justices of the Peace of the County, City, Liberty, Borough, or Town-corporate, wherein such Parish or Place doth lie; to the End that such Person or Persons, when discharged from the said Hospital, either cured or as incurable, may be removed and conveyed back to the Parish or Place from whence such Certificate was brought; a Copy of which Certificate shall, upon the Admission of any Person or Persons into the said Hospital, be delivered by the said Register to the Church-wardens and Overseers of the Poor of the Parish of Saint Peter's and Saint Paul's in the said City, or some or one of them; and the said Register shall also give Notice in Writing to the said Church-wardens and Overseers of the said Parish, or some or one of them, from time to time, as often as any such Person or Persons are discharged out of the said Hospital; or if any such Person or Persons so to be admitted come from Scotland or Ireland, then such Person or Persons shall not only bring back the Letter or Letters so wrote or sent from the said Hospital for his, her, or their Admission, but also such Certificates or Testimonials touching the Place or Places whereto he, she, or they did or do belong, in order to return thither when discharged from the said Hospital, either cured or as incurable, as the said Governors shall by any By-law, Order, or Ordinance to be made in and by virtue of this Act, direct, require, order, or appoint.

Persons minuted, to succeed in Turn.

V. Provided always, and it is hereby further enacted, That every Person or Persons approved of and minuted down to be admitted into the said Hospital as aforesaid, shall absolutely succeed in Turn accordingly on the next Vacancy or Vacancies that shall afterwards happen therein; any Interest or Application from any Person or Persons whatsoever to the contrary in any wise notwithstanding.

To be supplied with Money exclusive of any Benefit to be received from the Hospital.

VI. Provided also, and it is hereby further enacted by the Authority aforesaid, That every Person to be received or admitted into the Hospital aforesaid, shall before such Admission actually had, and exclusive of any Benefit to be had and received from the said Hospital, be supplied with the specifick Sums following; that is to say, If such Person shall come from any Part of England or Wales, with the Sum of Three Pounds, or such other Sum as the said Governors shall by any By-law, Order, or Ordinance to be made in virtue of this Act, direct, ordain, or appoint; or if from Scotland or Ireland, then with the Sum of Five Pounds, or such other Sum as the said Governors shall by any such By-law, Order, or Ordinance direct, ordain, or appoint; which said Sums respectively shall at or before the Admission of any such Person or Persons be paid to and deposited with the Treasurers of the said Hospital, in order to defray or bear the Expence that may be occasioned in the removing or conveying back to the proper Parishes the respective Person or Persons, having deposited the said Sum or Sums as aforesaid, who shall have been cured in, or discharged from the said Hospital; who shall be conveyed by the Bedels, Officers, or other Persons, or some or one of them, employed by the President and Governors of the said Hospital, at least Thirty Miles from the said City of Bath, in their Way to their respective Parishes: And if any Person or Persons so discharged from the said Hospital, shall, after being conveyed as aforesaid, be found loitering, wandering, or begging within the said City of Bath, or Five Miles of the same, it shall and may be lawful for the Constable, Petty Constable, Tything-man, or other Peace-officer of the Parish or Place where such Person or Persons shall be so found loitering, wandering, or begging, or for any other Person whatsoever, to seize and apprehend such Person or Persons so found loitering, wandering, or begging, as aforesaid, and him, her, or them to carry before some Justice of the Peace, or Mayor for the County, City, or Place where such Person or Persons shall be apprehended; and such Justice of the Peace or Mayor are hereby authorized and required to commit such Person or Persons to the next House of Correction to the Parish or Place where such Person or Persons shall be so apprehended, there to be kept to hard Labour, and corrected as idle disorderly Persons, for any time not exceeding Three Months; any Law or Statute to the contrary notwithstanding: Or in case of the Death or Deaths of any such Person or Persons in the said Hospital, then to bear and defray the Expence of the Funeral of such Person or Persons so dying therein; which Person or Persons so dying, may be buried in a Cemetery or Burial-place to be purchased by the President and Governors of the said Hospital.

Persons loitering about the City after they are discharged, to be treated as Vagabonds.

Persons admitted into the Hospital, not to obtain a Settlement.

VII. And be it hereby further enacted by the Authority aforesaid, That the Receiving or Continuance of any poor Person or Persons in the said Hospital, or the Residence of any Person or Persons as shall belong thereto, or be employed therein, shall not be deemed or construed to be any Settlement in the Place or Parish where the said Hospital is; but

but the Settlement or Settlements of all such Person or Persons, when discharged out of the said Hospital, shall be deemed, to all Intents and Purposes whatsoever, to be in such Parish or Parishes, Precincts, Place or Places where and from whence such poor Persons respectively came from, or were by Law settled at, before any actual Admission into, or being retained or employed in the said Hospital, as aforesaid.

Punishment of counterfeiting Certificates in order to be admitted.

VIII. Provided always, and be it further enacted, That if any Person or Persons shall forge or counterfeit, or unfairly and unduly obtain any Letters or Certificates, in order to be admitted into the said Hospital, and shall accordingly come or offer to be admitted therein, such Person or Persons shall, upon Discovery thereof, not only be refused Admittance, but be incapable of being admitted, and shall be deemed and taken to be an incorrigible Rogue, and accordingly punished as such.

Patients to have the Use of the old hot Bath, and the old Pump, &c.

IX. And it is hereby further enacted by the Authority aforesaid, That all and every the Person and Persons admitted into and belonging to the Hospital aforesaid, shall have the Use of the old hot Bath, and the old Pump at the said Bath; and that the Officers and Servants belonging to the said Hospital shall have the Liberty of fetching and taking Water from thence for the Use of the Persons admitted into the said Hospital only; and also that the Servants of or belonging to the said Hospital shall have the Liberty of carrying Chairs, or other Conveniencies, to and from the said Hospital, for the Help or Accommodation of the Person or Persons admitted into, and belonging thereto only.

Officers of the Hospital to wear a Badge, &c.

X. Provided always, That the Officers and Servants belonging to the said Hospital shall wear some Badge or Badges, whereby they may be distinguished from others; and that they fetch not Water after the Hour of Ten at Night; nor that any Person or Persons, who shall be hereafter admitted into the said Hospital, bathe in the said hot Bath before the Hour of Ten, and after the Hour of Twelve in the Morning; and that if any of the said Officers or Servants, or Persons who shall be admitted into the said Hospital, or any of them, shall sell, or otherwise dispose of the said Water, than for the Use of the said Hospital; the Person or Persons against whom such Complaint is made, upon Proof made by One or more Witness or Witnesses, or Confession of the Party, shall forfeit and pay for each Offence the Sum of Ten Shillings, to be levied by Distress and Sale of his or her Goods; and for want of Distress shall be committed to the common Gaol of the said City, without Bail or Mainprize, for the Space of Ten Days.

The Money and Hospital to be managed by a President, 3 Treasurers, and 32 Assistants.

XI. And be it further enacted by the Authority aforesaid, That for the more constant and ordinary Management of the Monies and Hospital aforesaid, and of the Charity hereby intended, there shall be from time to time and for ever hereafter a President, Three Treasurers, and Thirty two Assistants or Committees of the said hereby erected Corporation; and that Thomas Carew Esquire, shall be the first President; Richard Nash Esquire, William Oliver Doctor in Physick, and Francis Fauquier Esquire, the first Treasurers; and the Right Reverend John Lord Bishop of Bath and Wells, the Honourable Lieutenant General Wade, John Codrington, Richard Nash, Francis Coulson, Thomas Prowse, George Bridges, Henry Harrington, Edward Gore of Boxton, Francis Fauquier, Thomas Coster, John Carew, Robert Smith, Richard Roberts, Ralph Allen, and Robert Smith of Bristol, Esquires; the Mayor of Bath for the time being, the Reverend Thomas Coney Doctor in Divinity, Rector of Bath; George Cheyne, William Oliver, Edward Harrington, and Alexander Rayner, Doctors in Physick; Master Jeremiah Pearce Surgeon, the Reverend Master James Sparrow, the Reverend Master Walter Chapman, Master Samuel Bush, Master James Greist, and Master John Harford, Apothecaries; Master Paul Bertrand, Master James Leake, Master Richard Colloby, Master Bennet Stevenston, the Thirty two Assistants or Committees.

To be chosen annually.

XII. And be it further enacted by the Authority aforesaid, That the said herein before named President, Treasurers, and Committees or Assistants, shall continue and remain so to be, till the First Day of May, in the Year of our Lord One thousand seven hundred and forty; on which said last mentioned First Day of May, and so on the First Day of May in every Year yearly for ever, unless when the same shall happen on a Sunday, and then on the Monday next following, by a General Court or Assembly to be then held of the President and Governors of the said Corporation for the time being, a new Choice or Election of a President, Three Treasurers, and Thirty two Committees or Assistants, shall be made and taken by the said President and Governors, or the major Part of them then present, for the Year then next following; who after such Election shall continue and remain such until the next General Court or Assembly to be annually held for the Election of a President, Treasurers, and Committees or Assistants, as aforesaid.

When to meet.

XIII. And be it further enacted by the Authority aforesaid, That the said President, or his Deputy, with any Seven or more of the said Committees or Assistants for the time being, shall make a full Court of Committees, and shall meet from time to time upon Thursdays weekly, or at such other Time as they shall think fit, or at such other Time or Times as the said President and Governors by any By-law or Ordinance by them to be made in a full Court or Assembly shall direct or appoint; and such Court of Committees shall have Power, when assembled as aforesaid, in the Name of the said Corporation, and on their Account, to direct the finishing the said Building, and to dispose of the Monies hereby vested in the said Corporation, in discharging or paying for the same, or in the Purchase of any Lands, Messuages, Tenements, or any Estates or Interest arising or derived out of any Lands or Tenements whatsoever, together with the yearly Value of all such other Lands, Tenements, or Hereditaments, or of such Estates or Interests arising or derived out of the Lands, Tenements, and Hereditaments, as the said Corporation, or their Successors, shall any otherwise acquire or take by virtue of this Act, not exceeding in the yearly Value thereof the afore mentioned Sum of One thousand Pounds, over and above all Reprizes, for the Use of the said Corporation, and their Successors, for the Benefit of the said Hospital; and with and under their Common Seal to enter into any Covenants or Contracts for the Purposes aforesaid, as they shall think fit, for the better effecting and carrying on the Charity hereby intended; and to appoint and choose, and at their Pleasure to remove, displace, and supply such Officers, Servants, and other Person or Persons, to be employed for the Purposes herein mentioned and intended, or other the Affairs

of the ſaid Corporation (other than and except ſuch Officers or Perſons as are herein after directed to be appointed and choſen at a General Court or Aſſembly of the ſaid Corporation hereby erected) and to direct and appoint ſuch Salaries, Perquiſites, or other Rewards, for their Labour or Service therein, as they ſhall approve of, and think proper; and to take in ſuch poor Perſons, as by this Act are deſcribed and directed, under their Care, and to make ſuch Proviſion for their Maintenance and Cure, as they ſhall think neceſſary and convenient; and to do, manage, tranſact, and determine all ſuch other Matters and Things as ſhall to them, or the major Part of them, appear neceſſary or convenient, for the effecting or carrying on the Purpoſes hereby intended.

Their Proceedings ſubject to the Inſpection of the Corporation.

XIV. Provided nevertheleſs, That the Management, Tranſactions, and Accounts of the ſaid Preſident and Committees be from time to time and at all times hereafter ſubject and liable to ſuch Audit and Inſpection, Allowance, Diſallowance, and Controul of all or ſuch of the Members or Governors of the ſaid hereby erected Corporation, as by any By-laws or Ordinances of the ſame Corporation ſhall be for that Purpoſe conſtituted and appointed.

Money ariſing by Sale of Lands, &c. to be laid out in the Purchaſe of others, for the Uſe of the Corporation.

XV. Provided alſo, and be it further enacted and declared, That if any Sale or Sales ſhall at any time hereafter be made by the ſaid Corporation, or their Succeſſors, of all or any the Lands, Tenements, or Hereditaments hereafter to be purchaſed by them in purſuance of this Act; then and in every or any ſuch Caſe all the Money ariſing by any ſuch Sale or Sales, and no more, ſhall with all convenient Speed be reinveſted or laid out in ſome other Purchaſe of Lands or Tenements of Inheritance, for the Uſe of the ſaid Corporation, and their Succeſſors, for ever, for the Charities in this Act expreſſed; ſo as ſuch new purchaſed Lands and Tenements do not ſo far inlarge the annual Land Revenue of the ſaid Corporation, as to exceed the ſaid yearly Income of One thouſand Pounds as aforeſaid.

XVI. And to the Intent that there never may be wanting a competent Number of Members or Governors of the ſaid hereby erected Corporation, for perpetuating the Succeſſion thereof, and for ſupplying and filling up the Places of Preſident, Treaſurers, and of Committees above mentioned; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Preſident and Governors, or the major Part of them that ſhall be preſent in ſuch General Court or Aſſembly to be held as aforeſaid (ſo that not leſs than Nine Governors be then preſent) to elect and chooſe ſome other fit and able Perſon or Perſons, to be a Member or Governor, or Members or Governors of the ſaid hereby erected Corporation, in the Room and Place of ſuch of the Perſons above named, or to be from time to time elected Members or Governors as aforeſaid, who ſhall happen to depart this Life, or ſhall refuſe to accept of, or continue and remain to be a Member or Governor as aforeſaid.

Members or Governors dying, &c. others to be elected in their Stead.

XVII. And for the Encouragement of ſuch as ſhall be Benefactors to ſo good a Deſign, be it enacted by the Authority aforeſaid, That if any Perſon charitably diſpoſed, hath or ſhall, at any one or more Payments, pay into the Hands of the Treaſurers of the ſaid Hoſpital for the time being, the full Sum of Forty Pounds, to and for the charitable Uſes and Purpoſes in this Act mentioned; ſuch Perſon ſhall be, and is hereby declared to be, from the Time of ſuch Payment of ſuch Forty Pounds as aforeſaid, a Governor of the ſaid hereby erected Corporation.

Clauſe for the Encouragement of Benefactors.

Governors impowered to make By-laws.

XVIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the ſaid Preſident and Governors, in a General Court aſſembled as aforeſaid, to make, ordain, and conſtitute ſuch and ſo many By-laws, Conſtitutions, and Ordinances, as to them or the greater Part of them then and there preſent ſhall ſeem neceſſary and convenient, for the finiſhing the ſaid Building, and for the better governing, regulating, ordering, and eſtabliſhing of the ſaid hereby erected Corporation, and the Officers, Servants, and Perſons by them in and about the Affairs to be employed, of and concerning the ſaid Hoſpital and Infirmary, and the ſick Perſons or Patients to be taken therein under their Care, and for the auditing the Accounts of the ſaid Hoſpital; and the ſame By-laws, Orders, Ordinances, and Conſtitutions ſo made, to put in Uſe accordingly, and at their Will and Pleaſure to revoke, change, and alter the ſame; which ſaid By-laws, Orders, and Ordinances, ſo as aforeſaid made, ſhall be duly kept and obſerved; ſo always as the ſaid Conſtitutions, By-laws, Orders, and Ordinances be reaſonable, and not contrary or repugnant to the Statutes, Cuſtoms, or Laws of this Kingdom, and be approved of by the Biſhop of Bath and Wells, and the Juſtices of Aſſize for the County of Somerſet for the time being; and for which Approval no Fee or other Reward ſhall be taken.

Preſident to vote as a Member at General Courts;

XIX. And be it further enacted by the Authority aforeſaid, That at all and every of the General Courts or Aſſemblies of the ſaid Preſident and Governors, and at the ſeveral full Courts, or Courts of Committees herein before appointed to be held as aforeſaid (and which Courts ſhall be held either at the ſaid Hoſpital, or ſome other convenient Place in the ſaid City of Bath, between the Hours of Four of the Clock in the Afternoon and Nine at Night, on the reſpective Days for holding the ſaid Courts as aforeſaid) the ſaid Preſident for the time being ſhall have Voice, and ſhall vote and act as a Member of ſuch General Courts, or Courts of Committees; and in caſe of an Equality of Votes, the ſaid Preſident ſhall have and exerciſe a caſting Voice; and if any ſuch Court or Aſſembly be holden at any other Place than the ſaid Hoſpital, Notice of ſuch Place ſhall be fixed in the Pump-room at Bath aforeſaid, Fourteen Days at leaſt before the Day for holding ſuch Court or Aſſembly.

and to have a caſting Voice;

and may appoint another Member to act in his Abſence.

XX. Provided alſo, and it is hereby declared, That ſuch Preſident ſhall have Power and Authority, by Writing under his Hand to be given for that Purpoſe, to depute or appoint any other Perſon a Member or Governor of the ſaid Corporation, to preſide and act as Preſident in his Abſence, and to do all and every Act or Acts, Thing or Things, as well at a General Court or otherwiſe, as he the ſaid Preſident is hereby impowered, authorized, or required to do.

Phyſicians, &c. to be choſen in a General Aſſembly.

XXI. And it is hereby further enacted by the Authority aforeſaid, That the ſeveral Perſon and Perſons to be employed as Phyſicians, Surgeons, and Regiſter of and belonging to the ſaid hereby erected Corporation, ſhall be from time to time appointed and choſen

into

into such their respective Stations or Employments by the said President and Governors, or the major Part of them present in such General Court or Assembly as aforesaid; and by them assembled as aforesaid, at their Will and Pleasure shall and may be displaced and removed from their respective Stations and Employments, and other fit and able Persons thereunto appointed and chosen in their Room.

Vacancies to be filled up after 14 Days Notice.

XXII. Provided also, and be it declared, That if there be any Vacancy or Vacancies of any of the said Person or Persons appointed by this Act, or chosen at a General Court as aforesaid, happening by Death or Removal; such Vacancy or Vacancies shall be filled up at a General Court or Assembly to be held of the said President and Governors, after Fourteen Days Notice at least to be given thereof, by affixing publick Notice of such Election in the Pump-room at Bath aforesaid; and that no such Election shall be made, unless there be the President, or his Deputy, and Nine Governors at the least, present at such Election.

Clause against Beggars, &c.

XXIII. And whereas several loose, idle, and disorderly Persons daily resort to the said City of *Bath*, and remain wandering and begging about the Streets and other Places of the said City and the Suburbs thereof, within the Parishes of *Walcott* and *Widcombe* in the said County of *Somerset*, under Pretence of their being resident at the *Bath* for the Benefit of the said Mineral or Medicinal Waters, to the great Disturbances of His Majesty's Subjects resorting to the said City; for remedy whereof, be it enacted by the Authority aforesaid, That it shall and may be lawful for the Constables, Petty Constables, Tything-men, and other Peace Officers of the said City, and of the Parishes of Walcott and Widcombe, and also for the Bedel or Bedels of the said Hospital or Infirmary, and they are hereby required, to seize, take, and apprehend all and every such Person or Persons who shall be so found wandering, begging, or misbehaving him, her, or themselves in the Streets or other Places of the said City and Suburbs thereof, within the said Parishes of Walcott and Widcombe, and them to carry before the Mayor, or some Justice of the Peace for the said City, if apprehended within the said City or Liberties thereof, or before some Justice or Justices of the Peace for the said County, if apprehended within the said Parishes of Walcott or Widcombe without the Liberties of the said City of Bath; which said Mayor and Justices of the Peace for the said City, and Justices of the Peace for the said County, shall upon the Oath of One sufficient Witness (which Oath the said Mayor, or any of the said Justices, is and are hereby impowered and required to administer) or upon his own View, or the Confession of the said Person or Persons so found wandering or begging, commit such Person or Persons to the House of Correction for the said County of Somerset, there to remain for any Time not exceeding the Space of Twelve Kalendar Months, and to be kept to hard Labour, and receive Correction as loose, idle, and disorderly Persons.

Expence of passing Vagrants how to be born.

XXIV. And be it also enacted, That the Expence of carrying and conveying the said Person or Persons so apprehended as aforesaid, shall be born and paid in such Manner, as by the Act for passing Vagrants is directed and appointed.

Corporation to consist of 50 Members at least.

XXV. And it is hereby further enacted by the Authority aforesaid, That the said hereby erected Corporation shall always consist of Fifty Members at least.

Actions to be laid *in Com' Somerset.*

XXVI. And be it enacted by the Authority aforesaid, That if any Action shall be brought or Suit commenced against any Person or Persons, for any thing done in pursuance of this Act, or in relation to the Premisses or any of them, every such Action or Suit shall be laid or brought within Three Months next after the Fact done, and shall be laid or brought in the County of Somerset, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall not be brought within the Time before limited, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the said Defendant or Defendants shall have Double Costs, and shall have such Remedy, for recovering the same, as any Defendant or Defendants hath or have for Costs in other Causes by Law.

General Issue.

Double Costs.

Publick Act.

Officers to assist the Corporation in the Execution of the Act.

XXVII. And this Act shall be taken and allowed in all Courts as a Publick Act; and all Judges and Justices are hereby required as such to take Notice thereof, without special pleading the same; and all Mayors, Justices, Sheriffs, Bailiffs, Constables, and all other Officers and Ministers of Justice, are hereby required to be aiding and assisting to the said Corporation, and to all such Officers as shall be employed by them, or any of them, in the Execution of this Act, or any of the Powers or Authority hereby given.

CAP. XXXII.

An Act for ascertaining, preserving, and improving the Navigation of the River *Lee*, from the Town of *Hertford* to the Town of *Ware* in the County of *Hertford*; and for preserving and improving the said River from the said Town of *Ware* to the new Cut or River made by the Mayor, Commonalty, and Citizens of *London*; and for enabling the Governor and Company of the *New River*, the better to supply the Cities of *London* and *Westminster*, and the Liberties and Suburbs thereof, with good and wholesome Water.

Preamble.

WHEREAS there hath been and still is an ancient and accustomed Navigation on that Part of the River *Lee*, which runs from the Borough and Town of *Hertford* in the County of *Hertford*, to *Ware Bridge* in the Town of *Ware* in the same County; which Navigation had formerly, at different Times been carried on through different Branches of the said River; but the same for many Years past hath been and now is carried from the said Borough and Town of *Hertford* through a Channel running to *Ware-mills*, unto and through a Cistern or Lock near the said Mills, and from thence to *Ware bridge* in the

the ſaid Town of *Ware*, and from thence to the River of *Thames*: And whereas the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, have for many Years paſt had and received into the ſaid *New River* a conſiderable Quantity of Water which iſſued out of the ſaid River *Lee* at the Mouth or opening of *Manifold Ditch*, which lies between the ſaid Town of *Hertford* and the ſaid Town of *Ware*: And whereas ſeveral Diſputes have ariſen between the Corporation of the ſaid Borough and Town of *Hertford* and the Inhabitants of the ſaid Town of *Ware* and the ſaid Governor and Company, touching the Water iſſuing out of the ſaid River *Lee* into the ſaid *New River*, and touching the Courſe of the ſaid Navigation: and for ending thereof, and for preventing the like for the future, and for improving the Navigation of the ſaid River *Lee*, the Corporation of the ſaid Borough and Town of *Hertford*, and the Inhabitants of the ſaid Town of *Ware*, and alſo the ſaid Governor and Company, who have purchaſed *Ware-mills* aforeſaid, have agreed that the Navigation between *Hertford* and *Ware-bridge* may be fixed and aſcertained in the preſent Channel, and that the Quantity of Water which is to be taken from the River *Lee* into the ſaid *New River* may be aſcertained in the Manner, and upon the Terms and Conſiderations herein after mentioned, which will redound to a general Good; but cannot be eſtabliſhed or rendered effectual without the Aid of an Act of Parliament: **Wherefore the Mayor, Aldermen, and Commonalty of the ſaid Borough and Town of** Hertford, **and the Inhabitants of the ſaid Town of** Ware, **and alſo the ſaid Governor and Company, moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and thirty nine, the Navigation of the ſaid River** Lee **ſhall be, and the ſame is hereby eſtabliſhed, and for ever hereafter ſhall be fixed and continued in the ſame Channel or Courſe wherein the ſaid River now runs, and is uſed for Navigation, from the ſaid Town of** Hertford **to** Ware-mills, **as far as the Lock or Ciſtern near the ſaid Mills, and through the ſaid Lock or Ciſtern to** Ware-bridge, **and from thence in and along the ancient River** Lee **unto the beginning of the Cut or River made by the Mayor, Commonalty, and Citizens of** London, **in purſuance of the Act paſſed in the Thirteenth Year of the Reign of Queen** Elizabeth, **intituled,** An Act for the bringing of the River of *Lee* to the North ſide of the City of *London*, **and from thence in and along the ſaid new Cut or River unto the ſaid River of** Thames, **in the ſame Manner as the Navigation hath been uſually carried on and performed.**

Navigation of the River *Lee* aſcertained.

Occupiers of *Ware-mills* to give a Supply of Water for the Paſſage of Barges, &c. through the Lock.

II. **And be it further enacted by the Authority aforeſaid, That a ſufficient Supply of Water from the Mill-dam of the ſaid** Ware-mills **ſhall be given by the Owners or Occupiers of the ſaid Mills, for the Paſſage of all Barges, Boats, and Craft through the ſaid Lock or Ciſtern, and for carrying them from thence to** Ware-bridge, **and back again from** Ware-bridge **to and through the ſaid Lock or Ciſtern, the Owners or Occupiers of every Barge, Boat, or Craft paſſing through the ſame towards** Ware, **firſt paying to the Owners or Occupiers of the ſaid Mills the Sum of One Shilling for each Barge, Boat, or Craft, for ſuch Paſſage through the ſaid Lock or Ciſtern, and for ſuch Supply of Water, and without paying any thing on their Return through the ſaid Lock or Ciſtern.**

New River Company to keep the Lock in Repair.

III. **And be it further enacted by the Authority aforeſaid, That the ſaid Governor and Company ſhall from time to time, and all times hereafter, at their own proper Coſts and Charges maintain and keep in good and ſufficient Repair the ſaid Lock or Ciſtern near the ſaid** Ware-mills, **for the Conveniency of all Barges, Boats, and Craft, that ſhall from time to time have Occaſion to paſs or repaſs through the ſame; ſo as that for want of any ſuch Repairs (otherwiſe than at the Time or Times of the abſolute Neceſſity of making good the ſame) they may not at any Time or Times be hindered or ſtopped in their Paſſage through the ſame Lock or Ciſtern.**

Truſtees to ſet up a Turnpike croſs the River *Lee*,

and to cleanſe and deepen the River.

IV. **And be it further enacted by the Authority aforeſaid, That the Truſtees herein after named, or to be appointed in purſuance of this Act, or any Ten or more of them, ſhall and may, out of the Monies herein after appointed to be laid out for improving the Navigation of the River** Lee, **between the Town of** Hertford **and** Ware-bridge, **ſet up, erect, or build a Turnpike, Weir, Jettey, or ſome other Device croſs the ſaid River** Lee, **between the ſaid Mills and** Water-lane, **near the Wall of the Priory Orchard in** Ware **aforeſaid, in ſuch convenient Place and Manner as by the ſaid Truſtees, or any Ten or more of them, ſhall be thought moſt beneficial for the Navigation of that Part of the ſaid River** Lee, **and be leaſt detrimental to the ſaid Mills; and alſo from time to time, and at all times hereafter, ſcour, cleanſe, and deepen the ſame River** Lee, **between the ſaid Mills and** Ware-bridge; **and ſhall have Power to paſs and repaſs with Carts and Carriages in, through, and over the Grounds adjoining, for the Purpoſes aforeſaid, making ſuch reaſonable Satisfaction to all Owners or Occupiers of Lands and Grounds which may be damaged or injured thereby, as the Juſtices of the Peace for the ſaid County at any General Quarter-ſeſſions ſhall adjudge, in caſe the ſaid Truſtees and the other Parties concerned cannot agree; but the ſaid Governor and Company ſhall have the Direction and Government of ſuch Turnpike, Weir, Jettey, or Device after erected, and ſhall from time to time maintain and keep the ſame in good and ſufficient Repair, and permit all Barges, Boats, and Craft, to paſs through the ſame, without any Toll or other Acknowledgement for ſuch Paſſage,**

The Company to have the Direction of the Turnpike after erected.

Draught of Water from the River *Lee* into the *New River* aſcertained.

V. **And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor and Company of the** New River, **at all Times for ever hereafter, to have, receive, and take from and out of the ſaid River** Lee **into the ſaid** New River, **and to hold, uſe, and enjoy a Quantity or Body of Water conſtantly to iſſue from the ſaid River** Lee, **at or near the Mouth or opening of** Manifold Ditch **aforeſaid, through the Balance-engine there lately erected by the ſaid Governor and Company, and to paſs and run along and through the ſaid** Manifold Ditch, **to the ancient Turnpike or Sluice of the ſaid Governor and Company now ſtanding croſs the ſame Ditch, near a ſmall Piece of Land called** Chalk Iſland, **and from the ſaid ancient Turnpike or Sluice in and along a Cut or Trench made from thence into the ſaid** New River, **through the preſent**

Timber Gage or Trough there lately placed by the ſaid Company; which Gage or Trough is of the clear Dimenſions within the ſame, of Six Feet in Width or Breadth, Two Feet in Depth, and Fourteen Feet in Length, and is to be continued of the ſame and no greater Dimenſions for ever hereafter in Brick, Wood, or Stone, as the ſaid Governor and Company ſhall think moſt proper and uſeful, between the Brick Arch ſtanding near the ſaid Turnpike and the ſaid New River, and not be placed perpendicularly higher or lower than the preſent Gage now is, to the Intent that the ſaid Governor and Company ſhall for ever hereafter be ſupplied with a conſtant Quantity or Body of Water of the Dimenſions aforeſaid, and no more, to run and paſs from the ſaid River Lee into the ſaid New River in a natural Courſe, and without any Pen at the ſaid Gage or Trough; and that it ſhall not be lawful to or for the ſaid Governor and Company at any Time or Times hereafter, to take any more, or other, or greater Quantity of Water than as aforeſaid, out of and from the ſaid River Lee or Manifold Ditch aforeſaid, between the Towns of Hertford and Ware, by or through any other Paſſage, Ditch, or Cut, or in any other Manner than as in this Act is mentioned.

VI. And, to prevent any greater Quantity of Water than as aforeſaid, at any Time or Times, paſſing from the ſaid River Lee through the ſaid Gage or Trough into the ſaid New River; be it further enacted by the Authority aforeſaid, That the ſaid Governor and Company ſhall at their own Coſts and Charges for ever hereafter maintain the Turnpike or Tumbling-bay now fixed and ſtanding croſs Manifold Ditch juſt below the Mouth of the ſaid new Cut leading from thence to the New River, and all other Tumbling-bays or Turnpikes by the ſaid Governor and Company hereafter to be erected, of the ſame Height and Breadth, and no higher or narrower than the preſent Turnpike now is (which is Fourteen Feet wide) and ſo low as to keep or reduce the Head of Water flowing down the ſaid Ditch, to be upon a Level with, and not higher than the Top or uppermoſt Part of the ſaid Gage or Trough, in the ſaid Cut, and the Two adjacent capped Stones placed as Standards, the One near the ſaid Brick Arch, and the other near Chadwell Spring, now are; ſo that all ſuperfluous Water, more than can with a natural Current paſs through the ſaid Gage or Trough, may run over the ſaid Tumbling-bay or Bays, and fall again through the preſent Channel, below the ſaid ancient Turnpike into the ſaid River Lee. Means to prevent too great a Quantity to be drawn off.

VII. And be it further enacted by the Authority aforeſaid, That the ſaid Governor and Company ſhall and may from time to time, and at all times hereafter, as Need or Occaſion ſhall require, maintain and keep open the Mouth of the ſaid Manifold Ditch, on the Side of the ſaid River Lee, and remove all Soil lying before or about the ſame, and cleanſe, ſcour, and maintain the Water-courſe through the ſaid Ditch, for conveying the ſaid Water to the ſaid New River; they making Satisfaction to the Owners or Occupiers of the Lands adjoining thereunto, for all Damages which ſhall be done thereby, in Manner as herein after is mentioned; and ſhall and may for ever hereafter maintain and ſupport the ſaid Balance-engine, or Device, erected near the ſaid Mouth or Opening of the ſaid Ditch next the ſaid River Lee, that a neceſſary and ſufficient Quantity of Water (neither more nor leſs, as near as may be) may from time to time run through the ſaid Manifold Ditch, to ſupply and fill the ſaid Gage or Trough; and ſhall for ever hereafter continue the ſaid Balance-engine or Deviſe in the Manner, and at or near the Place where it now is. The Company to maintain the Water-courſe, and the Balance-engine;

VIII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor and Company to erect, build, and continue, or cauſe to be erected, built, and continued, over or upon the Balance-engine or Device, for the time being, ſtanding at or near the Mouth of the ſaid Manifold Ditch, any Building or Covering requiſite for the Preſervation of the ſame, or otherwiſe; and alſo to erect, build, and continue, or cauſe to be erected, built, and continued near or adjoining to ſuch Balance-engine, or Device, a Dwelling-houſe or Habitation for one or more Servant or Servants, Officer or Officers of the ſaid Governor and Company, who ſhall from time to time be employed to take care of ſuch Balance-engine, or Deviſe, and Buildings thereunto belonging; the ſaid Governor and Company making Satisfaction to the Owners or Occupiers of the Soil in ſuch Place or Places whereon ſuch Dwelling-houſe or Buildings ſhall be erected and built, in Manner as is herein after alſo mentioned. and may erect a Covering over it, and a Houſe adjoining to it.

IX. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Governor and Company, to have, hold, and enjoy for ever ſuch Balance-engine or Device, and alſo the ſaid Dwelling-houſe and Buildings, and the ſaid Gage or Trough, Turnpikes, Sluices, and Tumbling-bays already erected, or any other Gage or Trough, Turnpikes, Sluices, or Tumbling-bays, by virtue of this Act to be erected and built, and from time to time to repair and amend the ſame; and they, or any of them, ſhall at all convenient Times have free Entry and Paſſage with their Oxen, Horſes, Carts, or other Carriages, by, over, or through any Ground or Land, in Places, and at Times meet or convenient, to and from ſuch Balance-engine or Device, Dwelling-houſe, or Habitation, and Buildings, Gage or Trough, Turnpikes, Sluices, or Tumbling-bays, or to do or perform any thing neceſſary or requiſite for the making, building, erecting, repairing, maintaining, preſerving, or amending the ſame, or any Part thereof, they the ſaid Governor and Company making Satisfaction for all ſuch Damages as ſhall be done thereby; the ſame, and all other Satisfaction and Recompence to be made by the ſaid Company, for any thing to be done by the Authority of this Act, to be aſcertained by the Truſtees nominated and appointed, or to be nominated and appointed by or in purſuance of this Act, or any Ten or more of them, in caſe the Parties cannot agree. The Company to enjoy ſuch Engine, Building, &c. for ever, and to have free Paſſage to and from thence, making Satisfaction for Damages.

X. Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Ten or more of them, with any Servants or Surveyors with them, from time to time and at all Times hereafter, at all ſeaſonable Times in the Day-time, to ſee and inſpect the aforeſaid Balance-engine, Truſtees may inſpect the Balance-engine, to ſee if it be kept in Repair.

engine or Device, Gage or Trough, Turnpike or Tumbling-bay, and the ſeveral Conditions and Repairs thereof, to the End that no more Water ſhall or may be taken out of the ſaid River Lee, or Manifold Ditch, through the aforeſaid Gage or Trunk, than ought to paſs or run through the ſame by virtue of this Act, or than ſhall be ſufficient conſtantly to ſupply and fill the ſaid Gage or Trough; and if upon any ſuch Inſpection, any Defects or Wants of Repair ſhall at any Time or Times appear, whereby a greater Quantity of Water than as aforeſaid ſhall or may paſs through the ſaid Balance-engine or Device, or the ſaid Gage or Trough, then the ſaid Governor and Company, within Six Months after Notice ſhall be given in Writing to them or to any of their Servants employed to look after the ſame of ſuch Defects or Wants of Repairs, ſhall from time to time well and ſufficiently make good ſuch Defects, and repair the ſame, purſuant to the Intent and Meaning of this Act; and in Default thereof the ſaid Truſtees, or any Ten of them ſhall and may do or cauſe the ſame to be done, and be paid by the ſaid Company the reaſonable Charges thereof; but the principal Works are to remain, and be fixed and framed, in the ſame Form and Manner as the ſame now are or ought to be purſuant to this Act.

Property of *Manifold Ditch* veſted in the Company,

XI. And be it further enacted by the Authority aforeſaid, That the ſaid Courſe of Water, or Ditch, called Manifold Ditch, and the Water running through the ſame to the ſaid New River, ſhall for ever hereafter be deemed and taken to be a Part of the ſaid New River; and the Property thereof ſhall be, and is hereby veſted and ſettled, in the ſaid Governor and Company for ever, except and always reſerving to the ſaid Mayor, Aldermen, and Commonalty of the ſaid Borough and Town of Hertford, and to all Lords of Manors, and others, their ſeveral accuſtomed Rights to fiſh therein, and to all Owners and Occupiers of Land adjoining to, or lying near the ſaid Ditch, and to all Perſons having Right of Common in the common Meadows lying near or adjoining thereunto, their reſpective Rights of paſſing as uſual through or over the ſame Ditch at the uſual Ford, and to water their Horſes and Cattle therein as uſual, doing no Damage to the ſaid Governor and Company's Works.

ſaving to all Perſons their reſpective Rights.

XII. And be it further enacted by the Authority aforeſaid, That no new Mill, Lock, or Weir, ſhall hereafter be erected on the ſaid River Lee, or any Branch thereof, between the Mouth of Manifold Ditch and Ware-mills, or on the ſaid Manifold Ditch.

Prohibition to to any Damage to the *New River*, or the Works thereon.

XIII. And be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall at any time or times caſt or put into the ſaid Water-courſe or Ditch, called Manifold Ditch, or the ſaid Cut between the ſame and the ſaid New River, or into the ſaid New River, or any of the Water-courſes, Canals, Ponds, Reſervatories, or Pipes already made or laid, or hereafter to be made or laid, for the Conveyance or Paſſage of the Water from the ſame to any Part or Parts of the ſaid City of London or Suburbs thereof, or to any Part or Parts of the ſaid City of Weſtminſter or Liberties thereof, any Filth, Rubbiſh, Soil, dead Dogs, dead Cats, dead Carcaſes, Carrion, or other unwholeſome Thing; or waſh or cleanſe therein any Wooll, Hemp, Flax, or other noiſome Thing; nor hinder, let, ſtop, draw off, turn, or divert the ſaid Water, or the Current or Paſſage thereof, by any Device, Art, Contrivance, or Means whatſoever, without the Licence or Conſent of the ſaid Governor and Company; nor do any Damage, Nuiſance, or Annoyance to the ſaid Lock or Ciſtern, Weir or Jetty, Gage or Trough, Turnpikes or Tumbling-bays, or other Buildings or Erections aforeſaid, or to the ſaid Watercourſe or Ditch, or to the ſaid Cut between the ſame and the New River, or to the ſaid New River, or any the Water-courſes, Canals, Ponds, Reſervatories, Pipes, Banks, or Bridges, of or belonging to the ſame.

Water to be ſupplied from *Ware-mills* for cleanſing the Town of *Ware*.

XIV. And be it further enacted by the Authority aforeſaid, That the Proprietors and Occupiers of the ſaid Mills called Ware-mills, ſhall for ever hereafter permit and ſuffer the uſual Quantity of Water to be let out from the Head of Water at Ware-mills, from the ſaid River Lee, at proper and convenient Times and Seaſons, as heretofore, to run through the ſaid Town of Ware, for the cleanſing and preſerving the Streets and Highways leading through the ſaid Town; the uſual and former Exemptions of Pariſh and other Duties, Rates, and Offices, and the former Payments and Allowances for the ſame, being from time to time continued and made to and for the Proprietors and Occupiers of the ſaid Mills, and the Premiſſes by them held and enjoyed.

New River Company impowered to proſecute, &c.

XV. And for the better eſtabliſhing the Remedies, which as well the ſaid Governor and Company may have againſt any Perſon or Perſons, or which any Perſon or Perſons may have againſt them; be it declared and enacted by the Authority aforeſaid, That the ſaid Governor and Company ſhall, by the Name of the Governor and Company of the *New River*, brought from *Chadwell* and *Amwell* to *London* (which Name is originally given them by their Charter) ſue and implead, be ſued and impleaded, anſwer and be anſwered, in all Courts of Record and elſewhere; and ſhall and may recover full Satisfaction for any Damage accruing by any Matter or Thing which ſhall be done contrary to this Act, in or by an Action of Treſpaſs or on the Caſe; and in caſe they recover in ſuch Action, ſhall be paid their full Coſts of Suit, and have the like Remedies for the ſame, as in other Caſes of Coſts.

Truſtees nominated.

XVI. And be it further enacted by the Authority aforeſaid, That the Lord Mayor, Aldermen, and Recorder of the City of London for the time being, the Knights of the Shire for the County of Middleſex for the time being, the Members of Parliament for the City of Weſtminſter for the time being, Walter Plumer, Richard Plumer, Eſquires; Sir Robert Groſvenor, Sir Nathaniel Curzon, Sir William Heathcote, Baronets; John Smart Eſquire, Rivers Dickinſon, Gentleman, Sir Jeremy Vanacker Sambrooke Baronet, Joſeph Gaſcoigne Nightingale, Harry Gough, Ralph Harwood, Daniel Brattle, Hugh Smithſon, John Francis Tyſſen, Samuel Tyſſen, Samuel Trench, Eſquires; Zacheus Haydon Gentleman, William Pulteney, John Hambleton, George Bourne, Eſquires; the Right Honourable Henry Lord Colraine in the Kingdom of Ireland, the Knights of the Shire for the County of Eſſex for the time being, the Members of Parliament for the Borough of Colcheſter for the time being, Sir Edward Smyth, Sir Cæſar Child, Baronets; Charles Wake Jones, John Abdy, Edward Conyers, Andrew Searle junior, Richard Lockwood, Peyton Altham,

Altham, Richard Staines, Thomas Archer, John Comyns, Peter Floyer, William Harvey senior, William Glascock, Robert Snell, John Badger Weller, Richard Morgan, Esquires; Richard Collard, William Pigbourne, John Kempe, John Rochester, Gentlemen; the Knights of the Shire for the County of Hertford for the time being, the Members of Parliament for the Borough of Hertford for the time being, Sir Thomas Clarke Knight, Nathaniel Brassey, John Byde, Thomas Plumer Byde, William Cowper, Charles Cæsar, Peter Calvert, Felix Calvert of Pelham, Esquires; Sir Thomas Clarges Baronet, Henry Dunster, William Field, George Harrison, Thomas Hall, the Honourable Charles Leigh, Charles Monson, William Plumer, Richard Reynolds, William Shaw, William Stanley, Richard Warren, Thomas Winnington, Esquires; the Mayor of Hertford for the time being, Thomas Martin, Robert Plomer, Esquires; and George Hathaway Gentleman, shall be and are hereby nominated Trustees for the putting in Execution the Powers and Trusts in them reposed by virtue or in pursuance of this Act, for the Purposes herein expressed; and that the said Trustees, or any Ten or more of them, shall first meet and assemble together at the House known by the Sign of The Old Crown at Ware, on Monday the Sixth Day of August, One thousand seven hundred and thirty nine; and also yearly, and every Year thereafter, on the first Monday in August, at the Place aforesaid, or at any other Place within the City of London, or Counties of Hertford, Essex, or Middlesex, as they the said Trustees, or any Ten of them, shall think proper or convenient; and at such their Meetings shall and may from time to time adjourn themselves, and meet at any Place or Places within the City or Counties aforesaid, as they, or any Ten or more of them, shall think most proper or convenient, for putting in Execution the Powers and Trusts in them reposed by virtue or in pursuance of this Act; and if there shall not be Ten Trustees present at any such Meeting or Meetings so to be appointed, then and in any such Case such Meeting shall be continued, and stand and be adjourned over to that Day Four Weeks, and to the same Place as such Meeting was last appointed to be held; and the Clerk or proper Officer of the said Trustees, which they, or any Ten or more of them, are hereby impowered to appoint and remove as they think fit, shall give at least Fourteen Days Notice in the London Gazette, or such other Notice as the said Trustees, or any Ten or more of them, shall from time to time order or direct, of the Day and Place on which such adjourned Meeting shall be held; and that the said Trustees at their first Meeting, and at all subsequent Meetings, shall defray their own Charges and Expences.

Trustees when and where to meet.

If there be not Ten at any Meeting, the same to be adjourned till that Day 4 Weeks.

XVII. And be it further enacted by the Authority aforesaid, That the said Governor and Company of the New River shall pay or cause to be paid unto such Person and Persons as the said Trustees, or any Ten or more of them, at their First General Meeting, or at any other of their General Meetings, shall from time to time by Writing under their Hands appoint, the several Sums of Money in the Manner and at the Times herein after mentioned; that is to say, the several Sums of Two thousand five hundred Pounds, and Seven hundred and fifty Pounds, of lawful Money of Great Britain, on the Nine and twentieth Day of September, One thousand seven hundred and thirty nine; and yearly and every Year for ever, from the said Nine and twentieth Day of September, One thousand seven hundred and thirty nine, the several yearly Sums of Three hundred Pounds, and Fifty Pounds of like lawful Money, by two equal Half-yearly Payments, that is to say, On the Five and twentieth Day of March, and the Nine and twentieth Day of September; the First Payment thereof to begin and be made on the Five and twentieth Day of March; One thousand seven hundred and forty; such Payments to be made at the Office, Place, or House where the said Company do or shall usually meet for the Dispatch of their Business within the Cities of London or Westminster, or the Suburbs or Liberties thereof, upon Demand to be made by the Person or Persons so to be appointed to receive the same as aforesaid, of or from the Treasurer, Clerk, or Agent of the said Company for the time being; and in Default of such Payment by the Space of One and twenty Days after such Demand, and after a Duplicate of such Appointment shall be left with the said Treasurer, Clerk, or Agent of the said Company, the same shall and may be recovered against the said Governor and Company, with full Costs of Suit, by Action to be brought against the said Governor and Company, in the Names of Five or more of the said Trustees, in any of His Majesty's Courts of Record at Westminster, to be laid in any Place within the City of London, or County of Middlesex; wherein the Plaintiffs may declare, that the said Governor and Company, being indebted to the said Plaintiffs in the Sum or Sums then in Arrear (specifying the same, and the Time when it became payable by virtue of this Act, mentioning the Title thereof) have not paid the same, although demanded according to the said Act; and in which Action or Actions no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Sums to be paid by the *New River* Company to such Persons as the Trustees shall appoint.

The same, on Nonpayment, recoverable by Distress.

XVIII. And be it further enacted by the Authority aforesaid, That the Sum of One thousand Pounds, Part of the said Two thousand five hundred Pounds, shall be paid to George Hathaway, John Docwra, Anthony Fage, Humphry Ives, Thomas Fletcher, Ambrose Proctor, and Wayte Hampson, the Survivors or Survivor of them, Inhabitants of the said Parish of Ware; out of which they shall in the first Place pay and discharge all such Sum and Sums of Money as have been borrowed and actually laid out in carrying on and executing a late Commission of Sewers, for preserving the Navigation of the River Lee, from Ware to the River of Thames, or for scouring, cleansing, or deepening the same, which still remains due and unpaid, and also all such further Sum and Sums of Money, Costs, Charges, and Expences, as the said Inhabitants of Ware, or any of them, have at any Time been at, or have expended or laid out, in, about, or any ways relating to the obtaining this present Act; and shall and may apply the Residue of the said Sum of One thousand Pounds, in such Manner as the said George Hathaway, John Docwra, Anthony Fage, Humphry Ives, Thomas Fletcher, Ambrose Proctor, and Wayte Hampson, or the major Part of them, or of the Survivors of them, shall think most beneficial towards carrying on the Navigation from the said Town of Ware; and that the Residue of the said Sum of Two thousand five hundred Pounds, and also the said Three hundred Pounds a Year, shall

Application thereof.

from time to time be paid and applied for the better Preservation and Improvement of the said Navigation of the said River Lee from Ware Bridge to the Beginning of the said new Cut, and for purchasing, building, or hiring Locks or Weirs upon the said River, in such Manner as the said Trustees, or any Ten or more of them, shall direct; and also for defraying all such Charges and Expences as shall be necessary for executing the Powers in this Act contained; and the said Monies shall be issued and paid by the Person and Persons so to be appointed to receive the same, according to such Orders as the Trustees, or any Ten or more of them, at any of their General Meetings shall make for that Purpose; and that out of the said Sum of Seven hundred and fifty Pounds, shall in the first Place be paid all such Sum and Sums of Money, Costs, Charges, and Expences, as the said Mayor, Aldermen, and Inhabitants of the said Town of Hertford, or any of them, have at any Time been at, or have expended or laid out in the scouring and cleansing the River Lee, between the said Town of Hertford and Ware Bridge, or in erecting or repairing the Turnpikes thereon, not exceeding in the whole the Sum of Three hundred and two Pounds twelve Shillings; and also all such further Sum and Sums as they, or any of them, have laid out, expended, or been at, in, about, or any ways relating to the obtaining this present Act, as the said Trustees, or any Ten or more of them, shall at any General Meeting think fit and direct to be paid; and that the Residue of the said Sum of Seven hundred and fifty Pounds, and the said Sum of Fifty Pounds a Year, shall from time to time be paid and applied for the Preservation and Improvement of the Navigation of the said River Lee, between the said Town of Hertford and Ware Bridge, and also for defraying all such Charges and Expences as shall be necessary for executing the Powers in this Act contained, in such Manner as the said Trustees, or any Ten or more of them, shall direct or appoint; which said Trustees are hereby authorized and impowered to do and execute all such Acts, Powers, and Trusts, for the Preservation and Improvement of the Navigation of the River Lee, from Ware Bridge to the Beginning of the said new Cut, to all Intents and Purposes, in as full, large, and ample Manner, as they the said Trustees are herein before impowered to do and execute for the Preservation and Improvement of the Navigation of the said River Lee, between the said Town of Hertford and Ware Bridge aforesaid.

Vacancies of Trustees how to be filled up.

XIX. And be it further enacted by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons to be Trustees for ever for the Purposes in this Act expressed, it shall and may be lawful to and for the said Trustees herein before named, and the Trustees to be hereafter named, or any Ten or more of them, upon the Death of any of the said Trustees, or their Removal, or Refusal to act in the said Trust, at any publick Meeting or Meetings, whereof Twenty one Days Notice shall at least be given in the London Gazette, or such other Notice as the said Trustees, or any Ten or more, shall from time to time order and direct, by any Writing or Writings under their Hands from time to time, and at all times hereafter, to elect, nominate, and appoint in the Room of such Trustee or Trustees so deceased, removed, or refusing to act, so many more fit and able Person or Persons, who at the time of such Election, Nomination, or Appointment, shall have Lands, Tenements, or other Hereditaments in Fee-simple, Fee-tail, or for Term of Life, of the clear yearly Value of One hundred Pounds, or upwards, and who shall live and reside in the same County where such Trustee or Trustees so dying, removed, or refusing to act, did at the Time of his and their being elected, nominated, or appointed, live and reside, to be joined with them in the Execution of all and every the Powers and Trusts in the said Trustees reposed by virtue and in pursuance of this Act; and all and every Person and Persons, from time to time, so as aforesaid to be elected, nominated, or chosen to join in the putting in Execution this Act, shall and may, and they are hereby impowered to act and do to all Intents and Purposes in as full, large, and ample Manner as they the said Trustees herein before appointed are by this Act impowered to act and do.

Trustees impowered to sue out Commission of Sewers.

XX. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees appointed or to be appointed for putting this present Act in Execution, or any Ten or more of them at any of their General Meetings to apply for and sue out any Commission or Commissions of Sewers, for the better scouring, cleansing, and preserving the said River Lee, from the said Town of Hertford to Ware Bridge, and from thence to the said new Cut or River made by the said Mayor, Commonalty, and Citizens of London, and to apply any Sum or Sums of Money, which shall from time to time be in the Hands or Power of the said Trustees appointed or to be appointed by this Act, for the defraying the Expences of taking out and executing such Commission or Commissions of Sewers, in such Manner as shall be thought necessary.

Penalty on Vessels carrying Nets, &c. for destroying Fish.

XXI. And be it further enacted by the Authority aforesaid, That if any Owner or Owners, or Steersman of any Boat, Barge, or Vessel navigating in and upon the said River, shall permit or suffer any Fishing-net, Gun, Engine, or other Instrument for taking and destroying of Fish or Game, to be carried in such Boat, Barge, or Vessel, being thereof convicted by the Oath of One or more credible Witness or Witnesses, before Two or more of the said Trustees (which Oath they are hereby authorized to administer) shall forfeit for every such Offence the Sum of Five Pounds, to be levied by Warrant of the said Trustees, or any Two or more of them, by Distress and Sale of the said Offender's Goods, rendering the Overplus (the Charge of such Warrant, Distress, and Sale being thereout first deducted) to such Offender; one Moiety of the said Forfeiture to be paid to the Informer, and the other Moiety to the Poor of the Parish where such Offender shall be convicted.

Saving to all Persons their respective Rights.

XXII. Saving and reserving at all times hereafter unto the Mayor, Commonalty, and Citizens of London, all their Rights and Privileges, which by any Law, Usage, or Custom, they have at any time heretofore held, had, or enjoyed, or now hold, have, or enjoy, in or upon the said River Lee, or any Part thereof; and also saving and reserving at all times hereafter unto all Persons whatsoever, their several just Rights and Privileges, which by Law they have at any time heretofore had, held, or enjoyed, or now hold, have, or enjoy, in or upon the said River Lee, or any Part thereof, or in, upon, or relating to the

the ſaid New River, or any Part thereof; or any Lands, Grounds, or Hereditaments, through which the Stream of the ſaid New River or any Part thereof runs, or in, upon, or through which any Water-courſes, Canals, Ponds, Reſervatories, Mains, or Pipes, are or have been made or laid; ſaving alſo and reſerving unto all Perſons whatſoever, Owners of any Lands and other Hereditaments, through which the ſaid New River runs, all their Rights and Privileges, which by an Act of Parliament paſſed in the Third Year of the Reign of His Majeſty King James the Firſt, intituled, An Act for the bringing in a freſh Stream of running Water into the North Part of the City of *London*, are ſaved and reſerved; and alſo ſaving and reſerving to the ſeveral Owners of any Lands or other Hereditaments, through which any of the ſaid Company's Mains or Pipes are or ſhall be laid, ſuch yearly Rents, Satisfaction, or Recompence, as the ſaid Company is or ſhall by Agreement be liable to pay and diſcharge; any thing in this preſent Act contained to the contrary thereof in any wiſe notwithſtanding.

Publick Act.

XXIII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed and taken to be a publick Act; and Notice ſhall be taken thereof as ſuch in all Courts of Juſtice and elſewhere, without ſpecially pleading of the ſame; and if any Action, Suit, or Information ſhall be brought or commenced by or againſt any Perſon or Perſons, or by or againſt the ſaid Governor and Company of the New River, for any thing done purſuant to this Act, every ſuch Action, Suit, or Information, ſhall be brought and commenced within Twelve Kalendar Months next after the Facts committed, and not afterwards, and ſhall be laid or brought in the County or City where the Matter in Diſpute ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or if any ſuch Action, Suit, or Information ſhall be brought or commenced after the Time before limited for bringing or commencing the ſame, or ſhall be laid or brought in any other County, City, or Place, than where the Matter in Diſpute ſhall lie, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs, or Judgement upon Demurrer be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have full Coſts, and ſuch Remedy for the ſame, as any Defendant or Defendants hath or have, or may or can have for Coſts in any other Caſes by Law.

Limitation of Actions.

General Iſſue.

Full Coſts.

CAP XXXIII.

An Act to enlarge the Powers of the Commiſſioners for building a Bridge croſs the River *Thames*, from the *Woolſtaple*, or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*; and to enable them by a Lottery to raiſe Money for the ſeveral Purpoſes therein mentioned; and to enlarge the Time for exchanging Tickets unclaimed in the laſt Lottery for the ſaid Bridge; and to make Proviſion for Tickets in the ſaid Lottery loſt, burnt, or otherwiſe deſtroyed.

Preamble.

WHEREAS the Commiſſioners for building a Bridge croſs the River *Thames*, from the *Woolſtaple*, or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*, are by virtue of ſeveral Acts of Parliament made in the Ninth, Tenth, and Eleventh Years of the Reign of His preſent Majeſty, ſome or one of them reſpectively, authorized and impowered to agree with the Owners and Occupiers of Ground, and of ſuch Houſes as they, or any Nine or more of them ſhall judge fit to be removed, rebuilt, or pulled down, and to purchaſe the ſame, for the better or more effectual widening and rendering more commodious the ſeveral Ways, Streets, and Paſſages on each Side the River *Thames*, to and from the ſaid Bridge; as alſo, to lett, ſell, or diſpoſe of ſuch Piece or Pieces of Ground as they may be poſſeſſed of, over and above what may be neceſſary for the opening and widening of Ways, Streets, and Paſſages as aforeſaid, either together or in Parcels, as they ſhall find moſt advantageous and convenient, to ſuch Perſon or Perſons as ſhall be willing to contract, agree for, or purchaſe the ſame; and to deſign, aſſign, and lay out in what Manner the new Houſes to be built ſhall be erected and built, and of what Breadth and Extent the ſaid Streets and Paſſages ſhall be; and alſo to ſell and diſpoſe of the Materials of ſuch Houſe or Houſes, as the ſaid Commiſſioners ſhall purchaſe and cauſe to be pulled down as aforeſaid: And whereas ſeveral Doubts have ariſen, and may ariſe, relating to the Conſtruction, Force, and Effect of the Powers veſted in the Commiſſioners, whereby the executing the Purpoſe and Deſign of the ſaid Acts of Parliament in the beſt and moſt advantageous Manner, may be prevented, or greatly obſtructed: And whereas the ſeveral Ways, Streets, and Paſſages near the ſaid intended Bridge, are very narrow, and incommodious for the paſſing and repaſſing of Coaches, Carts, and other Carriages, to the Hindrance and Obſtruction of Trade and Commerce in that Neighbourhood, and moſt of the Houſes therein and thereto adjacent are very old, and in a ruinous and decaying Condition: And whereas ſeveral convenient Ways and Streets might be made on each Side the River *Thames*, to and from the intended Bridge, as alſo to and from the Courts of Juſtice, and both Houſes of Parliament, to the great Eaſe and Advantage of Paſſengers and the publick in general, in caſe the ſaid Houſes and Eſtates were under the Diſpoſition and Management of the ſaid Commiſſioners, and the Powers already veſted in them were further explained and enlarged: **Wherefore, for preventing all Doubts and Difficulties concerning the Premiſſes, and for promoting and encouraging a Deſign ſo uſeful and beneficial to the Publick; may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Commiſſioners, or any Nine or more of them, ſhall have full Power and Authority, not only to widen and render more convenient the ſeveral Ways, Streets, and Paſſages now leading to and from the intended Bridge, but alſo to make, open, deſign, aſſign, and lay out ſuch new Ways, Streets, and Paſſages, as they ſhall find proper to be opened and made on each Side of the River Thames, to and from the ſaid intended Bridge, and to the Courts of Juſtice, both Houſes of Parliament, and the Parts adjacent.**

Commiſſioners impowered to make convenient Paſſages to and from the Bridge,

II. **And for the better Performance and Execution thereof, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Nine or more of them, ſhall have full**

and to agree with the Owners of Houſes and Lands for that Purpoſe.

Power and Authority to agree with the Owners and Occupiers of ſuch Houſes and Grounds, as they ſhall find neceſſary to be removed, rebuilt, pulled down, or employed for the better making ſuch Ways, Streets, and Paſſages, as they ſhall make, deſign, aſſign, or lay out as aforeſaid, as alſo with the Owners and Occupiers of all and every ſuch other Houſes and Ground near to the ſaid Streets, Ways, and Paſſages, as they ſhall find neceſſary and advantageous for them to be poſſeſſed of, for the better and more effectual Performance of the Purpoſes aforeſaid, and to purchaſe the ſame.

Limits aſſigned them.

III. Provided always, That the ſaid Commiſſioners ſhall not lay out any new Ways, Streets, or Paſſages, or be enabled to purchaſe, diſpoſe, or convert for the Purpoſes of this Act, any Houſes or Ground, other than and except ſuch as ſhall be, or are comprized within the Bounds and Limits herein after mentioned and deſcribed; that is to ſay,

In the City of *WESTMINSTER.*

I. In a Line beginning at the Eaſt End of *College Street*, in the Pariſh of Saint *John* the Evangeliſt, and going Weſtward to the *College Garden* Wall; from thence Northward, along the ſaid Wall, to *Old Palace Yard*, not taking in the Building called the *Parliament Office*, the King's Houſe adjoining thereunto, or any Part thereof; then along the South End of *Old Palace Yard*, to the Eaſt Corner of *Lindſey Lane*, and along the Weſt Side of *Lindſey Lane*, to the Eaſt End of *College Street* again.

II. Then beginning at the North End of *Old Palace Yard*, and ranging, as near as conveniently may be, along the Buttreſſes, on the Weſt Side of *Weſtminſter Hall*, to the Southermoſt Part of the Court of *Exchequer* and the Chambers and Offices thereunto belonging; from thence Weſtward, to the Southermoſt Part of the *Tally Office*, and from thence to Saint *Margaret's Lane*, including all that Houſe vulgarly called *Hell*, or the *Exchequer Eating Houſe*, with the Stair-caſe adjoining thereunto, and leading to the Augmentation Office, leaving the ſaid Augmentation Office, and all the other publick Offices adjacent thereunto, in the State and Condition they are now in, excepting only the ſaid Stair-caſe (which is ſeparate from the ſaid Office, and may be as conveniently placed in the Body of the Building) and from the ſaid Stair-caſe Southward, along the Eaſt Side of Saint *Margaret's Lane* to *Old Palace Yard*, and along the North End of *Old Palace Yard*, to the ſame Place back again.

III. Then beginning at the North End of the Pavement, on the Weſt Side of Saint *Margaret's Lane*, in a Line, through to *Union Street*, from that Line along Part of the South Side of *Union Street*, and back again along the Weſt End of *New Palace Yard*, to the ſaid North End of the Pavement.

IV. Then beginning at the *Thames*, at the *King's Bridge*, and going along the North Side of *New Palace Yard* and *Union Street*, to the South End of *King Street*, including ſo much of the Crown Waſte within the old Wall of the Palace as ſhall be neceſſary; from thence along the Eaſt Side of *King Street*, to the Plantation Office, and along the Front of the Plantation Office, to the *Privy Garden* (including Miſtreſs *Lowther's* Houſe, Yard, and Garden) and ſo on along the Back of the Lord *Loudon's*, and the Duke of *Richmond's* Houſes, and of the Houſes late inhabited by the Lord *Middleton*, and Sir *Philip Meadows*, to the *Thames*; and thence along, or within the *Thames*, between high and low Water Mark, to the *King's Bridge* again.

And in the County of *SURREY.*

Within the following Limits; that is to ſay,

Beginning at the Abutment of the intended Bridge, and from thence to any Part of the Road leading from *Church Street*, in the Pariſh of *Lambeth*, to the *Kentiſh* Turnpike, between the ſaid Turnpike on the Left-hand, and the Wall of the Archbiſhop's Garden on the Right, not exceeding the Breadth of One hundred Yards in any Part thereof.

IV. And whereas it may happen that ſome Perſon or Perſons, or Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, or others who are ſeized of ſome Houſes or Ground which may be neceſſary to be purchaſed, pulled down, converted, or diſpoſed of for the Purpoſes of this Act, may be willing to treat and agree to ſell ſuch Houſes or Ground, in order to perfect ſo uſeful and neceſſary a Work, but are incapable of granting and conveying the ſame, by reaſon of Infancy or other Diſability; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, and Feoffees in Truſt, Guardians and Committees for Lunaticks and Ideots, Executors, Adminiſtrators, and Guardians whatſoever, for or on Behalf of any Infants, Lunaticks, and Ideots, Femes-covert, or other Ceſtui que Truſts, and for all and every other Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed of, or intereſted in any Houſe or Houſes, or Grounds, within the Bounds and Limits afore mentioned, to ſell and convey to the ſaid Commiſſioners, or any Nine or more of them, or their Succeſſors, or to ſuch other Perſon or Perſons as they ſhall appoint, all or any ſuch Houſes and Ground, or any Part thereof, for the Purpoſes aforeſaid; and that all Contracts, Agreements, Sales, and Conveyances that ſhall be ſo made, ſhall be valid to all Intents and Purpoſes; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding; and that all Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, and Truſtees, Corporations aggregate or ſole, and all other Perſons are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act: And if it ſhall happen that any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, or other Perſons, ſhall refuſe to treat and agree as aforeſaid; it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, and they are hereby impowered to iſſue out a Warrant or Warrants, Precept or Precepts directed to the High Bailiff of Weſtminſter, or to the Sheriff of the County of Surrey, as the Caſe ſhall require, who are hereby authorized and directed accordingly, to impanel and return a competent Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, no leſs than Forty eight, nor more than Seventy two; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by the ſaid Commiſſioners, or any Nine or more of them, or ſome Perſon to be by them or any Nine or more of them appointed, in ſuch Manner as Juries for the Trials of Iſſues joined in His Majeſty's Courts at

All Diſabilities to treat about ſelling Houſes, &c. taken away.

Any Perſons refuſing to treat, a Jury to be impanelled, to aſſeſs Damages.

at Westminster, by an Act made in the Third Year of the Reign of His present Majesty, intituled, An Act for the better Regulation of Juries, are directed to be drawn; which Persons to be impanelled, summoned, and returned, are hereby required to come and appear before the said Commissioners, or any Nine or more of them, at such Time or Place as in such Warrant or Warrants, Precept or Precepts shall be directed and appointed; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen: And the said Commissioners, or any Nine or more of them, are hereby authorized and impowered, by Warrant or Warrants under their Hands and Seals from time to time, as Occasion shall require, to call before them all and every Person or Persons whatsoever, who shall be thought proper or necessary to be examined as Witnesses before them, touching or concerning the Premisses, and after the Jury shall have set a Value on the same, to send their Precept or Precepts for any Person or Persons, and shall produce such Books, Papers, Deeds, and Writings, as they shall think necessary for their Information in any thing relating to this Act; and shall and may administer Oaths, for the better Discovery of the Truth of the Enquiries by them to be made, to any Person or Persons therein concerned, or to any other Person or Persons whatsoever; and shall and may likewise authorize the said Jury to view the Place or Places, or Matters in Question, as they the said Commissioners or any Nine or more of them shall think fit: and the said Jury, upon their Oaths, to be administred by the said Commissioners, or any Nine or more of them (which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, or to be examined before the said Commissioners, or any Nine or more of them, they are hereby impowered and required to administer) shall enquire of and assess such Damage and Recompence as they shall judge fit to be awarded to the Owners and Occupiers, or either of them, of any such Houses or Ground, or any Part thereof, for their respective Estates and Interests in the same, as by the said Commissioners, or any Nine or more of them, shall be adjudged fit to be pulled down, or converted to the Purposes aforesaid: And the said Commissioners, or any Nine or more of them assembled together, shall and may give Judgement for such Sum or Sums of Money so to be assessed by such Jury or Juries respectively; which said Verdict or Verdicts, and the Judgement, Decree, or Determination thereupon declared and pronounced by the said Commissioners, or any Nine or more of them assembled together, and the Value and Recompence so to be assessed and declared (Notice in Writing being first given of their Meeting, at least Twenty Days before, declaring the Time and Place of their Meeting, to any Person concerned, or being left at the Dwelling-house of such Person concerned, or at his, her, or their usual Place of Abode, or with some Tenant or Occupier of some Lands, Grounds, or Tenements, to be pulled down, converted, or affected by this Act, in case such Party cannot otherwise be found out to be served with such Notice) shall be binding and conclusive to all Intents and Purposes whatsoever, against the King's Majesty, His Heirs, and Successors, and all and every other Person or Persons, Bodies Politick and Corporate, claiming any Right, Title, Trust, or Interest in, to, or out of the said Houses, Grounds, Tenements, and Premisses to be affected by this Act, either in Possession, Reversion, Remainder, or Expectancy, as well Infants, Lunaticks, Ideots, Feme-coverts, Tenants in Tail, for Life, Years, or at Will, his, her, and their Heirs, Successors, Executors, and Administrators: And the said Verdicts, Judgements, Orders, Sentences, and Decrees, and other Proceedings of the said Commissioners and Juries so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment by the Commissioners Clerk, and signed and sealed by any Five of the Commissioners present at the making and pronouncing the same; and such Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the said Commissioners and Juries, as relate to, or concern any Lands, Grounds, Tenements, or Hereditaments in the County of Middlesex, shall be transmitted to, and entered or docqueted in the Register's Office for the County of Middlesex; and such of the said Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings, as relate to, or concern any Lands, Grounds, Tenements, or Hereditaments in the County of Surrey, shall be transmitted to, and kept amongst the Records of the Quarter-sessions of the same County; and the said Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings shall be deemed and taken to be Records to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be deemed and taken as good and effectual Evidence and Proof in any Courts of Law or Equity whatsoever: And all Persons may have Recourse to the same gratis, and take Copies thereof, paying for the Copy not exceeding Two hundred Words, Six Pence, and so proportionably for any greater Number of Words.

Commissioners Judgement thereupon to be final.

Their and the Juries Proceedings to be kept among the Records of *Middlesex* and *Surrey* respectively.

V. And it is hereby enacted and declared, That upon Payment of such Sum or Sums of Money so to be awarded or adjudged to the Party or Parties concerned, or legal Tenders thereof made to him, her, or them respectively, at his, her, or their Dwelling-house (in case such Party or Parties can be met with) and on Refusal of the same, or if he, she, or they have no such Dwelling-house in the County where the Lands and Premisses so to be affected lie or are situated, then upon Payment thereof into the Bank of England, for the Use of the Party or Parties interested as aforesaid, and to be issued to him, her, or them, by Order of the said Commissioners, or any Nine or more of them, and Notice of such Payment left in Writing at the Dwelling-house of some Tenant or Occupier of the Premisses; it shall then, and not before or otherwise, be lawful to and for the said Commissioners, and their Successors, and to and for their Agents and Workmen, to remove, pull down, order, convert, and dispose of such Houses, Tenements, Buildings, Ground, and Premisses, for the Purposes of this Act, in such Manner as the said Commissioners, or any Nine or more of them shall see fit and expedient; and the said Commissioners shall be indemnified therein, and quieted in the Possession of the Premisses so to be ordered, converted, and disposed of by virtue and under the Authority of this present Act: And in case any Dispute shall arise between the Parties claiming or intitled to different Interests in the Houses, Ground, Tenements, and Hereditaments necessary to be purchased, pulled down, converted, or disposed of for the Purposes of this Act,

On Payment of the Sums awarded, Commissioners impowered to pull down Houses, &c.

On any Dispute between the Parties interested in the Premisses, &c.

Act, or that the Title to the ſame Premiſſes ſhall not appear ſufficient or effectual to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them; then in ſuch Caſe, after ſuch Damage and Recompence aſſeſſed and awarded by the Verdict of a Jury, and ſuch Decree, Judgement, or Determination of the Commiſſioners thereupon, as aforeſaid, it ſhall and may be lawful to and for the Commiſſioners, or any Nine or more of them, to pay or direct the Money ſo to be awarded or adjudged for the Purchaſe of the Premiſſes, into the Bank of England, or otherwiſe, at the Requeſt of the Perſon or Perſons who ſhall be then in Poſſeſſion of the ſame Premiſſes, to place, or cauſe the ſame to be placed out in ſome of the publick Funds, or on Government Security, at Intereſt, in the Name of the ſaid Commiſſioners, or any Nine or more of them, there to remain, until the Matters in Diſpute between the Parties intereſted ſhall be ſettled and adjuſted, or the Title to the Premiſſes cleared up, or made out, to the Satisfaction of the ſaid Commiſſioners, or any Nine or more of them; and after the ſame ſhall be ſo ſettled, adjuſted, and made out reſpectively, to pay and transfer, or order to be paid and transferred, the Money, Funds, and Securities ſo to be depoſited and placed out, unto the Perſon or Perſons who ſhall reſpectively be intitled to the ſame; and after ſuch Payment into the Bank of England, or placing out at Intereſt as aforeſaid, of ſuch Damage or Recompence ſo to be adjudged and awarded, it ſhall then, and not before or otherwiſe, be lawful to and for the ſaid Commiſſioners, and their Succeſſors, and to and for their Agents and Workmen, to remove, pull down, order, convert, and diſpoſe of ſuch Houſes, Tenements, Buildings, Grounds, and Premiſſes, purſuant to, and by the Authority of, and for the Purpoſes of this Act; and the ſaid Commiſſioners ſhall be indemnified therein, and quieted in the Poſſeſſion thereof, and ſhall not be anſwerable or accountable in any Court of Law or Equity for the Money ſo to be depoſited, placed out, or applied, as aforeſaid, any otherwiſe than according to the Tenor, Purport, and true Meaning of this Act.

Commiſſioners to pay the Money into the Bank,

or place it out in the Funds;

and thereupon to diſpoſe of the Premiſſes according to the Act.

VI. And it is hereby further enacted and declared, That in caſe of any Default of a ſufficient Number of Jurymen to be ſworn for the Purpoſes of this Act, the ſaid High Bailiff of Weſtminſter, or Sheriff of the County of Surrey reſpectively, ſhall return other honeſt and indifferent Men of the Standers by, or that can be ſpeedily procured to attend that Service, to the Number of Twenty four; and that all Perſons concerned ſhall from time to time have their lawful Challenges againſt any of the ſaid Jurymen, when they come to be ſworn; and that the ſaid Commiſſioners, or any Nine or more of them acting in the Premiſſes, ſhall have Power from time to time to impoſe any reaſonable Fine on ſuch High Bailiff, or Sheriff, or their Deputy or Deputies, Bailiffs, or Agents reſpectively, making Default in the Premiſſes, or any of the Perſons who ſhall be ſummoned and returned on any ſuch Jury or Juries, and ſhall not appear, or who ſhall refuſe to be ſworn on the ſaid Jury or Juries, or being ſo ſworn ſhall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty in the Premiſſes, contrary to the true Intent and Meaning of this Act; and likewiſe upon ſuch Perſon or Perſons ſummoned as aforeſaid to give Evidence, or who ſhall neglect or refuſe to appear or give Evidence accordingly at ſuch Time or Times, Place or Places, as ſhall be limited, mentioned, or appointed for that Purpoſe, as aforeſaid, or appearing ſhall refuſe to be ſworn, give Evidence, or be examined by or before the ſaid Commiſſioners, or any Nine or more of them; and from time to time to levy ſuch Fine or Fines by Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, or any Nine or more of them, by Diſtreſs and Sale of the Offenders Goods, returning the Overplus, if any, to the Owner: And all ſuch Fines ſhall be applied to the Uſe of the poor, aged, decayed, and maimed Watermen, and their Widows, of the Pariſhes of Saint Margaret, and Saint John the Evangeliſt in Weſtminſter, in ſuch Manner as is directed by an Act paſſed in the Eleventh and Twelfth Year of the Reign of His late Majeſty King William the Third, of glorious Memory, intituled, An Act for the Explanation, and better Execution of former Acts made touching Watermen and Wherrymen rowing on the River *Thames*, and for the better ordering and governing the ſaid Watermen, Wherrymen, and Lightermen upon the ſaid River, between *Graveſend* and *Windſor*.

Deficiency of a Jury how to be ſupplied.

Commiſſioners to impoſe Fines on Defaulters.

The ſame how to be applied.

VII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money, or other Conſideration, Recompence, or Satisfaction to be paid, made, or placed out at Intereſt, as aforeſaid, purſuant to any ſuch Judgement, Sentence, or Decree, or Determination, as ſhall be ſo made by the ſaid Commiſſioners, or any Nine or more of them as aforeſaid, ſhall be, and are hereby charged and chargeable upon the Money to be raiſed by virtue or in purſuance of this preſent Act, and upon ſuch Money raiſed by virtue and upon the Credit of the ſaid Three former Acts, or any of them, as remains unapplied, and in the Diſpoſition of the Commiſſioners, after reſerving ſufficient to anſwer all Contracts made by the ſaid Commiſſioners, or any Nine or more of them, on or before the Twenty fifth Day of December, One thouſand ſeven hundred and thirty eight; and ſhall be iſſued, paid, and applied out of the ſame Fund accordingly, before the ſaid intended Bridge ſhall be completely finiſhed and made paſſable.

The Satisfaction-money placed out at Intereſt, charged on the Monies ariſing from the Acts.

VIII. And be it further enacted by the Authority aforeſaid, That all and every Sum and Sums of Money to be paid to any Bodies Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees whatſoever, for and on Behalf of any Infants, Lunaticks, Ideots, Feme-covert, or other Ceſtui que Truſts, for and in reſpect of their ſeveral Intereſts in any Houſes or Grounds to be purchaſed, uſed, diſpoſed, and applied to the Purpoſes aforeſaid, ſhall, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees receiving the ſame, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, and Hereditaments in Fee-ſimple, to be conveyed to ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees, or to ſuch Perſon or Perſons as they ſhall reſpectively appoint on their Behalf; and ſhall be ſettled to, for, upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies,

The Sums paid to Truſtees for Infants, &c. to be laid out in the Purchaſe of Lands, &c. in Fee-ſimple.

gencies, as the ſaid Houſes, Lands, Grounds, Tenements, and Hereditaments ſo to be purchaſed by the ſaid Commiſſioners as aforeſaid, were ſettled, limited, and aſſured at the time of ſuch Purchaſe reſpectively; and that in caſe any Perſon or Perſons, to or for whom any Uſe, Truſt, Eſtate, or Intereſt ſhall by ſuch new Settlement be limited and declared, ſhall be a Papiſt, or Perſons profeſſing the Popiſh Religion, ſuch Perſon or Perſons ſhall or may take and enjoy the Eſtates to or for them reſpectively limited and declared, in ſuch and the ſame Plight, Sort, and Manner, and no other, as they could or might have by virtue of, or under the Settlement ſubſiſting at the Time of ſuch Sale, and under which he, ſhe, or they reſpectively claimed, notwithſtanding any Diſability they may be under of taking under any new Limitation by virtue of the Act of Parliament made in the Eleventh and Twelfth Year of the Reign of his late Majeſty King William the Third, for the further preventing the Growth of Popery.

Papiſts to enjoy their Eſtates under the new, in the ſame Manner as under the former Settlements.

IX. And it is hereby further declared and enacted, That in the mean time, and until ſuch Purchaſe and Purchaſes ſhall be made, the Conſideration-money agreed upon for ſuch Purchaſe or Purchaſes ſhall be placed out by ſuch Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Feoffees in Truſt, Executors, Adminiſtrators, Guardians, Committees, or other Truſtees, in ſome of the publick Funds, or on Government Security, in the Names of ſuch Two or more Perſons, as the Party or Parties intereſted therein ſhall appoint; and the Intereſt ariſing and to be produced from ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively, as would for the time being be intitled to the Rents and Profits of ſuch Lands and Hereditaments ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Meaning of this Act.

Till ſuch Purchaſe be made: the Conſideration-money to be placed out in the Funds.

X. And for the more eaſy and effectual conveying ſuch Eſtates, and barring all Right of Dower or Thirds, and of all Eſtates Tail, whether in Poſſeſſion, Reverſion, or Remainder, which any Perſon may have, claim, or be intitled to, or intereſted in, in ſuch Houſes or Grounds within the Limits before mentioned; be it enacted, That all Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, and Feoffees in Truſt, Executors, Adminiſtrators, and Guardians whatſoever, for or on Behalf of any Infants, Femes-covert, and other Ceſtui que Truſts; and all Guardians and Committees of Lunaticks and Ideots, and for all and every other Perſon or Perſons whatſoever, who are or ſhall be ſeized, poſſeſſed, or intereſted in any Houſe or Houſes, Lands, Tenements, or Hereditaments, within the Bounds and Limits aforeſaid, ſhall, if required by the ſaid Commiſſioners, or any Nine or more of them, by Deed indented (which Deed ſhall be inrolled within Six Months after the making thereof in ſome of His Majeſty's Courts of Record at Weſtminſter) grant, bargain, and ſell, and convey ſuch Houſes, Lands, Tenements, and Hereditaments to the ſaid Commiſſioners, or ſuch Perſons in Truſt for them, as they ſhall appoint, in Fee-ſimple: And that all and every ſuch Grant or Grants, Bargains, Sales, and Conveyances, ſo made and inrolled as aforeſaid, ſhall be good and available in the Law to the ſaid Commiſſioners, or ſuch Perſons as they or any Nine or more of them ſhall appoint to be Truſtees for them; and to all Perſons claiming or to claim by, from, or under them, againſt ſuch Perſon or Perſons ſo conveying, and againſt all ſuch Infants, Femes-covert, and other Ceſtui que Truſts, Lunaticks, and Ideots, and againſt all and every Perſon and Perſons claiming any Eſtate, Right, Title, or Intereſt by, from, or under the ſaid Perſon or Perſons ſo conveying, or under ſuch Infants, Femes-covert, and other Ceſtui que Truſts, and againſt all and every other Perſon whatſoever, whom the ſaid Perſons ſo conveying, or the ſaid Infants, Lunaticks, and Ideots, Femes-covert, and other Ceſtui que Truſts, in caſe they had attained their Age, or that their Incapacity or Inability to convey had been removed, might by Fine or common Recovery, or other Ways or Means, cut off or debar from any Right of Dower or Thirds, Remainder, Reverſion, Rent, Profit, Title, or Poſſibility into or out of any of the ſaid Houſes, Lands, Tenements, or Hereditaments.

Truſtees to convey the Lands, &c. to the Commiſſioners in Fee-ſimple.

XI. Provided always, and it is the true Intent and Meaning of this Act, That the Intereſt of any ſuch Perſon or Perſons intitled to any Dower, Reverſion or Reverſions, Remainder or Remainders of or in any ſuch Houſes, Lands, Tenements, or Hereditaments ſo to be conveyed as aforeſaid, in the Money ariſing from the Sale of the ſaid Houſes, or in the Lands herein before directed to be purchaſed with ſuch Monies, ſhall be no wiſe prejudiced, barred, or deſtroyed by the Operation of ſuch Bargain and Sale as aforeſaid; but that ſuch Monies ſhall be laid out in the Purchaſe of Lands, to be ſettled to, and charged with the ſame Uſes, and with the ſame Reverſions and Remainders, as the ſaid Houſes, Lands, Tenements, and Hereditaments were ſettled to, and charged with, before ſuch Conveyance, Bargain, and Sale was made; any thing herein contained to the contrary notwithſtanding.

Intereſt in the Purchaſe-money, or in the Lands to be purchaſed therewith, not to be prejudiced.

XII. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Nine or more of them, to appoint one or more certain Day or Days in every Week or Month, for the Meeting of the Commiſſioners for the Purpoſes of this Act and the ſaid former Acts; and alſo at any ſuch Meeting to adjourn to any other Time, either previous or ſubſequent to the next ſucceeding ſtated or certain Day of Meeting.

Commiſſioners to meet and adjourn.

XIII. Provided alſo, That at any Meeting of the ſaid Commiſſioners, it ſhall and may be lawful for any Nine of them there aſſembled, to adjourn to any future Time previous to the next ſucceeding ſtated or certain Day of Meeting.

Any Nine of them may meet before the ſtated Day.

XIV. Provided always, and it is hereby further declared and enacted, That no Perſon or Perſons whatſoever ſhall ſit or act as a Commiſſioner or Commiſſioners, or be returned or ſworn to ſerve on any Jury, in any Caſe where he or they are in any wiſe directly or indirectly intereſted or concerned of or in the Matters or Things in Queſtion.

No intereſted Perſon to act.

XV. And whereas ſeveral of the Lands, Grounds, and Tenements, which may be neceſſary and convenient to be purchaſed by the ſaid Commiſſioners, for making the ſaid Ways, Streets, and Paſſages, and for other the Purpoſes of this and the afore mentioned Acts, are the Property of the Crown, and which cannot be aliened or diſpoſed of for ſuch an Intereſt as may be neceſſary for the Purpoſes aforeſaid, and

ſome

some Parts of the same Premisses are subject to several perpetual Stipends or other yearly Rents or Payments; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, His Heirs, and Successors, and to such Person or Persons who is, are, or shall be Trustees for His Majesty, His Heirs, and Successors, to grant, sell, convey, alien, and dispose of to the said Commissioners, or any Nine or more of them, or to such Person or Persons as they shall nominate and appoint in their Behalf, all or any such Houses, Messuages, Lands, Estates, and Hereditaments, situate, lying, and being within the Bounds and Limits afore mentioned, which are the Property of the Crown, and which shall or may be necessary to be purchased by the said Commissioners for the Purposes aforesaid, for such Estate and Interest as is or are vested in His Majesty, notwithstanding any thing contained to the contrary in the Act of Parliament made in the First Year of the Reign of her late Majesty Queen Anne, intituled, An Act for the better Support of her Majesty's Household, and the Honour and Dignity of the Crown; and that such yearly Stipends, Rents, and other Out-payments, issuing out of, and charged upon the Premisses so to be purchased from the Crown, shall be charged by the said Commissioners upon some other sufficient Part of the Lands and Grounds to be purchased by the Commissioners pursuant to, and for the Purposes of this Act; and until such yearly Stipends, Rents, or other Payments shall be effectually secured for the Benefit of the Persons intitled to the same respectively, they shall be paid out of the Money under the Disposition of the Commissioners which hath arisen or shall arise by virtue of the said former Acts and of this present Act.

Power to convey Crown-lands to the Commissioners

Stipends, &c. charged thereon, to be charged upon other purchased Lands.

XVI. And whereas by Means of the Purchases which the Commissioners are hereby impowered to make by virtue of this Act, they may be possessed of some Piece or Parcel of Ground, over and above what may be necessary for the opening and widening of Ways, Streets, and Passages to and from the said Bridge, and for other Purposes of this Act; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to lett, sell, or dispose of such Piece or Pieces of Ground, either together, or in Parcels, as they shall find most advantageous and convenient, to such Person or Persons as shall be willing to contract, agree for, or purchase the same; and to design, assign, and lay out in what Manner the new Houses to be built thereupon shall be erected and built; and of what Breadth and Extent the said Streets and Passages shall be; and to sell and dispose of the Materials of such House or Houses as the said Commissioners shall purchase and cause to be pulled down as aforesaid.

Commissioners impowered to dispose of Grounds more than necessary for the Purposes of the Act;

XVII. Provided always, That the Monies arising by Sale or letting of such Grounds, and selling the Materials of the Houses to be purchased and pulled down, shall be employed towards erecting and building the said intended Bridge, and preserving and repairing the same when built, or to paving, lighting, and watching the said Bridge, and to other the Purposes of the said afore mentioned Acts and of this present Act, and to no other Use, Intent, or Purpose whatsoever.

Application of the Money arising from such Sale.

XVIII. And whereas there are Twelve Alms-houses situate, standing, and being in the Place called the *Woolstaple* in *Lady's Alley*, in the Parish of Saint *Margaret* in the City of *Westminster*, which will be necessary to be taken down for the Purposes of this Act, and which are now vested in the Crown, in Trust to be used and applied for the charitable Purposes for which the same were founded or erected; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Nine or more of them, to cause the said Alms-houses to be taken down, and they are hereby directed and required to erect Twelve other Alms-houses in some convenient Place or Places within the City and Liberty of Westminster aforesaid, to be used, occupied, and enjoyed for the same charitable Purposes, for which the said Twelve Alms-houses are now used and applied; the said Commissioners providing convenient Lodging and Habitation in the mean Time, till such new Erection be made for the Alms-people belonging thereto.

Alms-houses in the *Woolstaple* to be taken down, and others erected elsewhere.

XIX. And whereas the Money already raised for and towards the building of the said intended Bridge, will not be sufficient to answer and defray the Expences of finishing and compleating the said Building, and other necessary Works by the said before mentioned Acts, and by this present Act directed; be it enacted by the Authority aforesaid, That for and towards the raising a Sum not exceeding Three hundred and twenty five thousand Pounds, for the Purposes herein mentioned, it shall and may be lawful for any Person or Persons whatsoever, Natives or Foreigners, Bodies Politick or Corporate, to contribute or advance, for and towards the raising the Sum of Three hundred and twenty five thousand Pounds, by paying at or before the respective Days or Times to be appointed, as hereafter is mentioned in that Behalf, into the Bank of England, or to such Cashier or Cashiers as shall by the Directors of the Bank be appointed for that Purpose, the Sum of Five Pounds, or divers intire Sums of Five Pounds; for which Sum or Sums so advanced, he, she, or they so advancing the same, shall be intitled to receive, by virtue of this Act, such Sum or Sums of Money as are hereby directed or appointed; and such Sum or Sums of Five Pounds each are hereby directed to be paid into the said Bank, or to the Cashier or Cashiers to be appointed as aforesaid, at such Time or Times, and in such Proportions at a Time, on or before such a Day, as shall by the hereafter mentioned Managers and Directors be appointed in that Behalf, who are hereby directed and required to give publick Notice of the same in the London Gazette, *

325,000 *l.* to be advanced by 5 *l.* Lottery Tickets.

* *The following Seventeen Sections, relating to the drawing of the Lottery, and the paying of the Prizes, are omitted.*

XXXVII. And it is hereby further enacted by the Authority aforesaid, That for raising a Fund for the building the said Bridge, and other Purposes herein mentioned, out of the Money so to be contributed upon the Credit of this Act, there shall be deducted out of the whole Sum, to which the Prizes described by this Act, and to be drawn in, and result from the said Lottery, shall amount unto, the Sum of Forty eight thousand seven hundred and fifty Pounds, being after the Rate of Fifteen Pounds for every Hundred Pounds of such amount of the said Prizes; and which said Sum of Forty eight thousand seven hundred and fifty Pounds is intended to be paid, and is hereby reserved to be issued and applied for the Purposes in this Act mentioned, *

15 *l.* for every 100 *l.* amounting in the whole to 48,750 *l.* to be deducted.

* *The following Five Sections, directing the Payment of the Prizes, are omitted.*

XLIII. And

XLIII. And it is hereby further declared and enacted by the Authority aforesaid, That the Residue of the Money arising and to be contributed by virtue of, and upon the Credit of this Act, which after Payment of the Sum and Sums of Money hereby directed to be issued to the Proprietors of the Tickets in the said Lottery, and other the Allowances to be made pursuant to this Act, and the Payment of the Salaries and Rewards to the said Managers and Directors, and the Clerks, Agents, and Officers employed by them, and other the incident Charges and Expences attending the passing and Execution of this Act as aforesaid, will then remain, shall be paid into the Hands of such Treasurer or Treasurers as shall be appointed under the Hands and Seals of the said Commissioners, or any Nine or more of them, pursuant to this Act, at such Times, and by such Sums, as the said Commissioners, or any Nine or more of them shall from time to time direct and appoint (such Treasurer or Treasurers first giving Security to the said Commissioners, or any Nine or more of them, for the due Application of the said Money, on accounting for the same) and shall be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and making and widening the Passages and Ways thereto from time to time, and the purchasing such Houses and Grounds as aforesaid, in such Manner, and at such Times, as the said Commissioners or any Nine or more of them shall from time to time direct. Residue of the Monies to be applied to the building the Bridge.

XLIV. And whereas many evil-disposed Persons, out of a Desire of exorbitant Gain, may attempt to defraud ignorant People of their Money, by selling the Chances of Tickets, or by disposing of Shares of Tickets, or by giving Receipts or Notes to be responsible for Money in case certain Tickets prove fortunate, or by laying Wagers, whether particular Tickets may be drawn in a certain Time, or may prove fortunate or unfortunate, or by other Ways, Means, or Contrivances may cheat and delude ignorant People, if sufficient Provision be not made to prevent the same; be it therefore further enacted by the Authority aforesaid, That no Person or Persons shall sell the Chance or Chances of any Ticket or Tickets in the said Lottery, or any Share or Shares in any Ticket or Tickets in the said Lottery, for a Day, or Part of a Day, or for a longer Time, less than the whole Time of drawing the Lottery then to come; or shall receive any Money whatsoever, in Consideration of the Repayment of any Sum or Sums of Money, in case any Ticket or Tickets in the said Lottery shall prove fortunate; or shall lay any Wager relating to the drawing of any Ticket or Tickets in the said Lottery, either as to the Time of such Ticket or Tickets being drawn, or whether such Ticket or Tickets be drawn fortunate or unfortunate; and all and every Person and Persons who shall offend in any of the afore mentioned Matters, shall forfeit and pay treble the Sum and Sums of Money which shall have been received by such Person and Persons, contrary to the true Intent and Meaning of this Act, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; one Moiety thereof to the Use of the poor, aged, decayed, and maimed Watermen, and their Widows, of the Parish of Saint Margaret and Saint John the Evangelist in Westminster, and the other Moiety thereof to the Use of him, her, or them who shall sue for the same. Penalty on selling Chances of Tickets for less than the whole Time of drawing.

XLV. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall keep any Office or Offices, or shall print or publish any Scheme or Proposal, for receiving any Sum or Sums of Money, in Consideration of an Interest to be granted for the same in any Ticket or Number of Tickets in the said Lottery, whereof such Person or Persons shall not then be actually possessed, or in Consideration of any Sum or Sums of Money to be repaid, in case any Ticket or Number of Tickets in the said Lottery, which shall not be in the actual Possession of such Person or Persons, shall prove fortunate; all and every such Person and Persons shall forfeit and pay the Sum of Five hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster; in which no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; one Moiety thereof to the Use of the poor, aged, decayed Watermen, and their Widows aforesaid, and the other Moiety thereof to the Use of him, her, or them who shall sue for the same; and also shall suffer Three Months Imprisonment without Bail or Mainprize. 500 *l.* Penalty on selling Interests in Tickets not in the Persons Possession.

XLVI. Provided always, and it is hereby further enacted by the Authority aforesaid, That in case the Number of Sixty five thousand Tickets in such intended Lottery shall not be subscribed for, or shall not be agreed and declared by the said Commissioners, or any Nine or more of them, to be drawn and risqued for the Use, and on Account of the Bridge, within the respective Times to be limited, and appointed, and declared, pursuant to this Act in that Behalf; then also and in such Case the Governor and Company of the Bank of England, or the Cashier or Cashiers by them to be appointed, are hereby authorized and required to repay the Money which shall then have been advanced, contributed, and paid in upon the Credit of this present Act, to the respective Person or Persons who shall have so advanced, contributed, and paid in the same, or to the Person or Persons who shall produce the Receipts signed by the said Cashier or Cashiers for the same. Provision, in case all the Tickets be not subscribed for.

XLVII. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall and may and are hereby impowered, from time to time to lend the Money raised by the Credit of this or any of the afore mentioned Acts, or any Part thereof, at the Receipt of His Majesty's Exchequer, upon the Credit of the Land-tax, or Duties upon Malt, Rum, Cyder, and Perry, granted to His Majesty in this Session of Parliament, for the Service of the Year One thousand seven hundred and thirty nine, or upon any other publick Securities whatsoever; and that the Interests and Profits arising therefrom, as well as the principal Money to be lent as aforesaid, shall be appointed and applied by the said Commissioners, or any Nine or more of them, to and for building the said Bridge and the Abutments thereof, and to other the Purposes of this and the afore mentioned Acts. Commissioners impowered to place out the Monies on publick Security.

Charges of obtaining this Act to be ſpeedily diſcharged.

XLVIII. And be it further enacted by the Authority aforeſaid, That all ſuch Coſt and Charges as ſhall be expended in obtaining, or by reaſon of paſſing this preſent Act, and ſuch Money as ſhall appear to be due to any Perſon or Perſons employed in purſuance thereof, ſhall, as ſoon as may be, be paid out of the Money to be raiſed by virtue thereof, or out of the Monies already raiſed by virtue of any of the ſaid afore mentioned Acts.

XLIX. And whereas by the ſaid Act paſſed in the Tenth Year of the Reign of His preſent Majeſty, Fourteen of the Managers and Directors of the Lottery in the ſaid Act of the Ninth Year of His preſent Majeſty firſt named, were authorized and appointed to exchange the Tickets in the ſaid Lottery for Certificates; and to do all other Acts, Matters, and Things, which were by the ſaid Act appointed, or directed to be done, performed, and executed by the ſaid Managers and Directors, ſubſequent to the Drawing of the ſaid Lottery; and the Proprietors of the Tickets to be drawn in the ſaid Lottery, were required by the ſaid Act of the Tenth Year of His preſent Majeſty, to apply to the ſaid Managers, on or before the Fifteenth Day of *March*, One thouſand ſeven hundred and thirty eight, for Certificates in Exchange of ſuch Tickets, as aforeſaid: And whereas ſeveral of the ſaid Tickets amounting in Number to One thouſand and forty one Tickets, and in Value to Six thouſand nine hundred and twelve Pounds, five Shillings, had not been claimed on the Sixteenth Day of *March*, One thouſand ſeven hundred and thirty eight; be it therefore enacted by the Authority aforeſaid, That the Power and Authority veſted in the ſaid Fourteen Perſons named in, and appointed by the ſaid laſt mentioned Act, ſhall, from and after the ſaid Fifteenth Day of March, One thouſand ſeven hundred and thirty eight, be continued to, and veſted in them, and the Survivors of them, until the Fifteenth Day of March, One thouſand ſeven hundred and thirty nine; and they are hereby authorized and required to exchange ſuch of the ſaid Tickets of the ſaid Lottery, as ſhall be claimed and produced to them on or before the ſaid Fifteenth Day of March, One thouſand ſeven hundred and thirty nine, in ſuch Manner as they are authorized and required to do in and by the ſaid laſt mentioned Act.

The former Directors continued, to exchange Tickets of the paſt Lottery unclaimed.

Commiſſioners to make Allowances to them for the ſame.

L. And be it further enacted by the Authority aforeſaid, That the Commiſſioners for building the ſaid Bridge ſhall and they are hereby impowered to make ſuch Allowances to the ſaid Managers for their Labour, Pains, and Attendance in delivering out Certificates for the ſaid One thouſand and forty one Tickets, or ſuch of them, as ſhall be brought to them to be exchanged, as aforeſaid, within the Time herein before limited for that Purpoſe, as they the ſaid Commiſſioners, or any Nine or more of them ſhall judge fitting and reaſonable in that Behalf.

LI. And whereas the Governor and Company of the Bank of *England*, before the drawing of the ſaid Lottery, did, with the Concurrence of the Managers of the ſaid Lottery, advance and lend the Sum of Six Pounds *per* Ticket, being the laſt Payment thereon, to ſuch Adventurers as deſired the ſame; and did cauſe the ſaid Loan to be ſtampt upon the Face of every ſuch Ticket; ſeveral of which Tickets are contained in the One thouſand and forty one Tickets, as were out-ſtanding on the ſaid Sixteenth Day of *March*, One thouſand ſeven hundred and thirty eight; be it enacted by the Authority aforeſaid, That the ſaid Governor and Company of the Bank of England ſhall, immediately from and after the ſaid Fifteenth Day of March, One thouſand ſeven hundred and thirty nine, pay unto the Treaſurer to the ſaid Commiſſioners for the time being, all ſuch Sum and Sums of Money which ſhall be due on any of the ſaid One thouſand and forty one Tickets of the ſaid Lottery, which ſhall not be brought to the ſaid Managers to be exchanged for Certificates, on or before the ſaid Fifteenth Day of March, One thouſand ſeven hundred and thirty nine, after deducting the Sum of Six Pounds for every Ticket, upon which the ſaid Governor and Company had lent Six Pounds as aforeſaid; and the Receipt of ſuch Treaſurer ſhall be a full and abſolute Diſcharge to the ſaid Governor and Company of the Bank of England for the Money ſo paid to the ſaid Treaſurer.

The Bank to pay to the Commiſſioners Treaſurer the Sums due on the Tickets unexchanged.

LII. And whereas it appears that ſeveral of the ſaid Tickets in the aforeſaid Lottery have not been claimed within the Time limited by the ſaid Act paſſed in the Tenth Year of His preſent Majeſty, ſome of which may be by Caſualty or Miſchance loſt, burnt, or otherwiſe deſtroyed; be it therefore enacted by the Authority aforeſaid, That in all Caſes where it ſhall appear by Affidavit before any of the Barons of the Exchequer for the time being (who ſhall interrogate the Deponent thereupon) to the Satisfaction of ſuch Baron or Barons, that any of ſuch Tickets before the ſaid Fifteenth Day of March, One thouſand ſeven hundred and thirty eight, have been or are loſt, burnt, or otherwiſe deſtroyed, or that there ſhall be good Reaſon to believe that the ſame have been loſt, burnt, or otherwiſe deſtroyed; it ſhall and may be lawful for the ſaid Managers and Directors, or any Five or more of them, and they are hereby required to make out a Certificate or Certificates for ſuch Ticket or Tickets ſo loſt, burnt, or otherwiſe deſtroyed, to and for the Perſon and Perſons demanding the ſame, upon their producing a Certificate from any one of the ſaid Barons, of ſuch Affidavit made before him; which Affidavit the ſaid Barons, or any One of them, is and are hereby authorized to take, and which Certificate he or they are hereby required to make and grant without Fee or Reward; and on Security given to the ſaid Managers and Directors, or any Five or more of them, to their good Liking, to indemnify them reſpectively againſt all other Perſons whatſoever, for or concerning the Monies ſpecified in, or due upon ſuch Certificate or Certificates of the ſaid Managers and Directors; and that ſuch Certificates to be made out by the ſaid Managers and Directors purſuant to this Act, ſhall intitle the Bearer to the Sum or Sums of Money therein reſpectively expreſſed to be due, and ſhall be payable and paid by the Caſhier or Caſhiers of the Bank of England, out of the Monies paid in to them from the Adventurers and Contributors in and to the ſaid Lottery.

Certificates to be given in lieu of Tickets loſt or deſtroyed.

Publick Act.

LIII. And it is hereby further enacted and declared, That this Act ſhall be deemed and allowed to be a Publick Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. XXXIV.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, for repairing the Road from *Spittlegate-hill* near *Grantham* in the County of *Lincoln*, to *Little Drayton* in the County of *Nottingham*.

WHEREAS

WHEREAS by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Road from* Spittlegate-hill *near* Grantham *in the County of* Lincoln, *to* Little Drayton *in the County of* Nottingham, ſeveral Tolls were granted and made payable from the Twenty fifth Day of *June*, One thouſand ſeven hundred and twenty ſix, for and during the Term of One and twenty Years then next enſuing: And whereas the Truſtees appointed to put the ſaid Act in Execution, have, upon the Credit of the ſaid Act, borrowed a conſiderable Sum of Money, in order to amend the Road directed to be repaired by the ſaid Act; great Part of which Money ſo borrowed is ſtill due and owing; and although all the ſame, together with the Money ariſing by the Tolls collected, have been laid out on ſome Part of the ſaid Road, yet other Parts of the ſame Road are ſtill in a ruinous Condition, eſpecially in the Winter Seaſon, and cannot be effectually repaired according to the true Intent and Meaning of the ſaid Act (proper Materials for amending the ſaid Road lying at a great Diſtance from the ſame) and the Money now due on the Credit thereof be repaid, unleſs the Term and Powers granted by the ſaid Act be further enlarged, *&c.* Preamble, reciting the Act 12 *Geo.* I. *cap.* 16.

The Tolls are further continued for 21 *Years.*

CAP. XXXV.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, for amending the Highways leading from *Brampton-bridge* to *Welford-bridge* in the County of *Northampton*; and alſo the great Poſt Road, from *Morter-pit-hill*, in the ſaid County, through *Brixworth*, *Lamport*, *Maidwell*, *Kelmarſh*, and *Oxenden-magna*, to *Chain-bridge*, leading into *Market-harborough* in the County of *Leiceſter*.

WHEREAS by an Act paſſed in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for amending the Highways leading from* Brampton-bridge *near* Church-brampton *in the County of* Northampton, *through the Pariſh of* Thornby, *to a Bridge called* Welford-bridge *in the Pariſh of* Welford *in the ſaid County*; *and alſo the great Poſt Road from a Place called* Morter-pit-hill, *in the Pariſh of* Piſford *in the ſaid County*, *through the Towns and Pariſhes of* Brixworth, Lamport, Maidwell, Kelmarſh, *and* Oxenden-magna, *to a Bridge called* Chain-bridge *leading into* Market-harborough *in the County of* Leiceſter; ſeveral Tolls were granted and made payable for the Term of One and twenty Years, from the Twentieth Day of *March*, One thouſand ſeven hundred and twenty one: And whereas the Truſtees appointed to put the ſaid Act in Execution have upon the Credit of the ſaid Act borrowed a conſiderable Sum of Money, in order to amend the Highways directed to be repaired; which Money ſo borrowed is ſtill due and owing; and although all the Money borrowed, together with the Money ariſing by the Tolls collected, have been duly laid out according to the Directions of the ſaid Act; yet ſome Parts of the ſaid Highways are in a ruinous Condition, eſpecially in the Winter Seaſon, and cannot be effectually repaired according to the true Intent and Meaning of the ſaid Act, and the Money now due on the Credit thereof be repaid, unleſs the Term and Powers granted by the ſaid Act be further enlarged, *&c.* Preamble reciting the Act 8 *Geo.* I. *cap.* 13.

The Tolls are further continued for 21 *Years.*

CAP. XXXVI.

An Act for prohibiting the Importation of Books re-printed Abroad, and firſt compoſed or written, and printed in *Great Britain*; and for repealing ſo much of an Act made in the Eighth Year of the Reign of Her late Maieſty Queen *Anne*, as impowers the limiting the Prices of Books.

WHEREAS the Duties payable upon Paper imported into this Kingdom, to be made uſe of in printing, greatly exceed the Duties payable upon the Importation of printed Books, whereby Foreigners and others are encouraged to bring in great Numbers of Books originally printed and publiſhed in this Kingdom and re-printed Abroad, to the Diminution of His Majeſty's Revenue, and the Diſcouragement of the Trade and Manufacture of this Kingdom; for the preventing thereof for the future, may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and thirty nine, it ſhall not be lawful for any Perſon or Perſons whatſoever, to import or bring into this Kingdom for Sale, any Book or Books firſt compoſed or written and printed and publiſhed in this Kingdom, and re-printed in any other Place or Country whatſoever; and if any Perſon or Perſons ſhall import or bring into this Kingdom for Sale, any printed Book or Books, ſo firſt compoſed or written and printed in this Kingdom, and re-printed in any other Place or Country as aforeſaid; or knowing the ſame to be ſo reprinted or imported contrary to the true Intent and Meaning of this Act, ſhall ſell, publiſh, or expoſe to Sale any ſuch Book or Books; then every ſuch Perſon or Perſons ſo doing or offending, ſhall forfeit the ſaid Book or Books, and all and every Sheet or Sheets thereof; and the ſame ſhall be forthwith damasked, and made waſte Paper; and further, that every ſuch Offender or Offenders ſhall forfeit the Sum of Five Pounds, and double the Value of every Book which he or they ſhall ſo import or bring into this Kingdom, or ſhall knowingly ſell, publiſh, or expoſe to Sale, or cauſe to be ſold, publiſhed, or expoſed to Sale, contrary to the true Intent and Meaning of this Act; the one Moiety thereof to the King's moſt Excellent Majeſty, His Heirs, and Succeſſors, and the other Moiety to any Perſon or Perſons that ſhall ſue for the ſame; to be recovered with Coſts of Suit in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information; in which no Wager of Law, Eſſoign, or Protection, or more than one Imparlance ſhall be allowed; and if the Offence ſhall be committed in Scotland, to be recovered before the Court of Seſſion there, by ſummar Action: Provided that this Act ſhall not extend to any Book that has Preamble.

Penalty on importing or ſelling Books firſt written and printed in this Kingdom, and reprinted abroad.

25 H. 8. C. 15.

Exceptions.

has not been printed or reprinted in this Kingdom within Twenty Years before the same shall be imported.

II. Provided always, That nothing in this Act contained shall extend to prevent or hinder the Importation of any Book first composed or written, and printed in this Kingdom, which shall or may be re-printed abroad, and inserted among other Books or Tracts, and to be sold therewith, in any Collection, where the greatest Part of such Collection shall have been first composed or written, and printed abroad; any thing in this Act contained to the contrary notwithstanding.

Clause in the Act 8 *Annæ* c. 19. repealed.

25 H. 8. C. 15.

III. And be it further enacted by the Authority aforesaid, That so much of an Act made in the Eighth Year of the Reign of her late Majesty Queen Anne, intituled, An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies, during the Time therein mentioned, whereby it is provided and enacted, That if any Bookseller or Booksellers, Printer or Printers shall, after the said Five and twentieth Day of March, One thousand seven hundred and ten, set a Price upon, or sell, or expose to Sale any Book or Books, at such a Price or Rate as shall be conceived by any Person or Persons to be high and unreasonable; it shall and may be lawful for any Person or Persons to make Complaint thereof to the Lord Archbishop of Canterbury for the time being, the Lord Chancellor, or Lord Keeper of the Great Seal of Great Britain for the time being, the Lord Bishop of London for the time being, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer for the time being, the Vice-chancellors of the Two Universities for the time being, in that Part of Great Britain called England, the Lord President of the Sessions for the time being, the Lord Justice General for the time being, the Lord Chief Baron of the Exchequer for the time being, the Rector of the College of Edinburgh for the time being, in that Part of Great Britain called Scotland, who, or any of them, shall, and have hereby full Power and Authority from time to time, to send for, summon, or call before him or them, such Bookseller or Booksellers, Printer or Printers, and to examine and enquire of the Reason of the Dearness and Inhancement of the Price or Value of such Book or Books by him or them so sold, or exposed to Sale; and if upon such Enquiry and Examination it shall be found, that the Price of such Book or Books is inhanced, or any wise too high or unreasonable, then, and in such Case, the said Archbishop of Canterbury, Lord Chancellor, or Lord Keeper, Bishop of London, Two Chief Justices, Chief Baron, Vice-chancellors of the Universities in that Part of Great Britain called England, and the said Lord President of the Sessions, Lord Justice General, Lord Chief Baron, and Rector of the College of Edinburgh, in that Part of Great Britain called Scotland, or any one or more of them, so enquiring and examining, have hereby full Power and Authority to reform and redress the same, and to limit and settle the Price of every such printed Book and Books, from time to time, according to the best of their Judgements, and as to them shall seem just and reasonable; and in case of alteration of the Rate or Price from what was set or demanded by such Bookseller or Booksellers, Printer or Printers, to award and order such Bookseller and Booksellers, Printer and Printers, to pay all the Costs and Charges, that the Person or Persons so complaining shall be put unto by reason of such Complaint, and of the causing such Rate or Price to be so limited and settled; all which shall be done by the said Archbishop of Canterbury, Lord Chancellor, or Lord Keeper, Bishop of London, Two Chief Justices, Chief Baron, Vice-chancellors of the Two Universities in that Part of Great Britain called England, and the said Lord President of the Sessions, Lord Justice General, Lord Chief Baron, and Rector of the College of Edinburgh in that Part of Great Britain called Scotland, or any one of them, by Writing under their Hands and Seals, and thereof publick Notice shall be forthwith given by the said Bookseller or Booksellers, Printer or Printers, by an Advertisement in the Gazette; and if any Bookseller or Booksellers, Printer or Printers, shall, after such Settlement made of the said Rate and Price, sell, or expose to Sale any Book or Books, at a higher or greater Price than what shall have been so limited and settled as aforesaid; then, and in every such Case, such Bookseller and Booksellers, Printer and Printers, shall forfeit the Sum of Five Pounds for every such Book so by him, her, or them sold or exposed to Sale, one Moiety thereof to the Queen's most Excellent Majesty, her Heirs, and Successors, and the other Moiety to any Person or Persons that shall sue for the same, to be recovered with Costs of Suit, in any of her Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, in which no Wager of Law, Essoign, Privilege, or Protection, or more than one Imparlance shall be allowed; and every Part of the said Clause shall be, and the same is hereby repealed.

Commencement and Continuance of this Act.

IV. And be it further enacted, That this Act (except so much thereof as repeals the before mentioned Clause in the said Act of the Eighth Year of the Reign of the late Queen Anne, relating to the Prices of Books) shall continue and be in Force from the said Twenty ninth Day of September, One thousand seven hundred and thirty nine, for and during the Space of Seven Years, and from thence to the End of the then next Session of Parliament, and no longer.

Anno

Anno decimo tertio GEORGII II. Regis.

At the Parliament begun and holden at *Weſtminſter*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued by ſeveral Prorogations to the Fifteenth Day of *November*, 1739, being the Sixth Seſſion of this preſent Parliament.

CAP. I.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thouſand ſeven hundred and forty.

CAP. II.

An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and forty.

At 4s. *in the Pound.*

CAP. III.

An Act for the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other Trading Ships, and Privateers.

FOR the better Supply of Mariners and Seamen to ſerve in His Majeſty's Ships of War, and on Board Merchant Ships, and other Trading Veſſels, and Privateers, and for the better carrying on the preſent or any future War, and the Trade of Great Britain during the Continuance thereof; may it pleaſe Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That during the Continuance of this preſent War, and no longer (except in reſpect to ſuch Merchant Ships, and other Trading Ships or Veſſels, and Privateers, which ſhall be on their Voyage before the Determination of the War, who ſhall be, and are hereby allowed the Liberty and Benefit of returning Home navigated in the Manner as herein after is provided) it ſhall and may be lawful for any Merchant Ship, or other Trading Ship or Veſſel, or Privateer, to be navigated by Foreign Seamen or Mariners, not being Natives of Great Britain, or of any of the Colonies or Plantations thereto belonging, or his Majeſty's natural or naturalized Subjects, ſo as the Number of ſuch Foreign Seamen or Mariners do not exceed Three fourths of the Mariners at any one time employed to navigate ſuch Merchant Ship, or other Trading Ship or Veſſel, or Privateer; and that One fourth at leaſt of the Mariners or Seamen ſo employed be at all times Natives or His Majeſty's naturalized Subjects of Great Britain (ſudden Death, and a Hazard and Caſualties of War, and the Seas, ſaved and excepted) one Act of Parliament made in the Twelfth Year of the Reign of his late Majeſty King Charles the Second, intituled, An Act for the encouraging and increaſing of Shipping and Navigation, or any other Statute or Law to the contrary notwithſtanding. Preamble. Merchant Ships, &c. may be navigated by 3 4ths Foreigners, during the War.

II. And for the better encouraging of foreign Mariners and Seamen to come and ſerve on Board Ships belonging to this Kingdom of Great Britain, be it further enacted by the Authority aforeſaid, That every ſuch Foreign Mariner or Seaman who ſhall, from and after the Firſt Day of January, One thouſand ſeven hundred and thirty nine, have faithfully ſerved during the Time of War on Board any of His Majeſty's Ships of War, or any Merchant, or other Trading Ship or Ships, Veſſel or Veſſels, or Privateers (which at the Time of ſuch Service ſhall belong to any of His Majeſty's Subjects of Great Britain) for the Space of Two Years, ſhall to all Intents and Purpoſes be deemed and taken to be a natural born Subject of His Majeſty's Kingdom of Great Britain, and have and enjoy all the Privileges, Powers, Rights, and Capacities, which ſuch Foreign Mariner or Seaman could, ſhould, or ought to have had, and enjoyed, in caſe he had been a natural born Subject of His Majeſty, and actually a Native within the Kingdom of Great Britain. Foreign Seamen ſerving on Board Men of War, or Merchant Ships, 2 Years during the War, to be deemed natural born Subjects.

III. Provided nevertheleſs, and it is hereby further enacted and declared, That no Perſon, who ſhall be naturalized by virtue of this Act, ſhall thereby be enabled to be of the Privy Council, or a Member of either Houſe of Parliament, or to take any Office or Place of Truſt, either civil or military, or to have any Grant of Lands, Tenements, or Hereditaments from the Crown to himſelf, or any other Perſon or Perſons in Truſt for him; any thing herein contained to the contrary thereof in any wiſe notwithſtanding. Proviſo.

IV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for His Majeſty, His Heirs, and Succeſſors, at all Times when it ſhall be found neceſſary to declare War againſt any foreign Power, to publiſh a Royal Proclamation, if he or they ſhall judge it requiſite, to permit all Merchant Ships, and other trading Veſſels, and Privateers, to be manned with foreign Mariners and Seamen during ſuch War, in the Manner as by this Act is provided; and that upon the publiſhing of ſuch Proclamation, this Act and every thing therein contained ſhall be deemed to be in full Force and Virtue, and have Continuance for and during the Time of any ſuch War, and no longer, except in reſpect to ſuch Merchant Ships, and other trading Ships or Veſſels, and Privateers, which ſhall be on their Voyage before the Determination of ſuch War, who ſhall be and are hereby allowed the Liberty and Benefit of returning Home navigated in the Manner as herein before is provided. The ſame may be practiſed in any future War.

CAP. IV.

An Act for the more effectual securing and encouraging the Trade of His Majesty's *British* Subjects to *America*, and for the Encouragement of Seamen to enter into His Majesty's Service.

Preamble.

WHEREAS the Trade of His Majesty's Subjects in *America* hath for many Years been greatly annoyed by the *Spaniards*, their undoubted Right to navigate in those Seas, without any Molestation, hath been unjustly interrupted, on Pretences altogether groundless and unwarrantable, divers Ships and Vessels belonging to *British* Subjects have been seized and confiscated, the Sailors have been injuriously imprisoned, and barbarously treated, and the *British* Colours have been insulted in the most ignominious Manner. And whereas His Majesty hath been obliged to declare War against the King of *Spain*, his Vassals, and Subjects, to revenge the Injuries, and obtain ample Satisfaction for the Wrongs done to His Subjects: now for the better carrying on the said War with Vigour, and for the Encouragement of the Officers and Seamen of His Majesty's Ships of War, and the Officers and Seamen of all other British Ships and Vessels having Commissions or Letters of Marque, and for inducing all British Seamen, who may be in any foreign Service, to return into this Kingdom, and become serviceable to His Majesty, and for the more effectual securing and extending the Trade of His Majesty's Subjects to America, and elsewhere, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Flag-officers, Commanders, and other Officers, Seamen, Marines, and Soldiers, on Board every Ship and Vessel of War in His Majesty's Pay, shall have the sole Interest and Property of and in all and every Ship, Vessel, Goods, and Merchandize, which they shall take after the Fourth Day of January, in the Year of our Lord One thousand seven hundred and thirty nine, in Europe; and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and forty, in any other Part of the World (being first adjudged lawful Prize in any of His Majesty's Courts of Admiralty in Great Britain, or in His Plantations in America, or elsewhere) to be divided in such Proportions, and after such Manner, as His Majesty, His Heirs, and Successors shall think fit to order and direct, by Proclamation to be issued for that Purpose.

Officers, Seamen, Marines, and Soldiers, to have the sole Property of all Prizes they take in *Europe*, after 4 *Jan.* 1739. And in any other Part of the World, after 4 *June*, 1740.

II. And be it further enacted by the Authority aforesaid, That the Lord High Admiral of Great Britain, or the Commissioners for executing the Office of Lord High Admiral of Great Britain for the time being, or any Three or more of them, or any Person or Persons in any Part of America, or elsewhere, by him or them impowered and appointed, shall, from and after the Fourth Day of January, One thousand seven hundred and thirty nine, at the Request of any British Owner or Owners of any Ship or Vessel, giving such Bail and Security as have been usually taken upon granting Commissions, or Letters of Marque (except only for the Payment of the Tenths of the Value of Prizes which shall be taken, to the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral for the time being) cause to be issued forth in the usual Manner, One or more Commission or Commissions, to any Person or Persons whom such Owner or Owners shall nominate to be Commander, or in case of Death successively Commanders, of such Ship or Vessel, for the attacking, surprizing, seizing, and taking, by and with such Ship or Vessel, or the Crew thereof, any Place or Fortress upon the Land, or any Ship or Vessel, Goods, Ammunition, Arms, Stores of War, or Merchandizes, belonging to or possessed by any of His Majesty's Enemies, in any Sea, Creek, Haven, or River; and that such Ship or Ships, Vessel or Vessels, Arms, Ammunition, Stores of War, Goods, and Merchandizes whatsoever, with all their Furniture, Tackle, or Apparel so to be taken by or with such private Owner or Owners, Ship or Vessel, according to such Commission and Commissions, being first adjudged lawful Prize in any of His Majesty's Courts of Admiralty as aforesaid, shall wholly and intirely belong to, and be divided between and among, the Owner and Owners of such Ship or Vessel, and the several Persons which shall be on Board the same, and be aiding and assisting to the taking thereof, in such Shares and Proportions as shall be agreed on with the Owner or Owners of such Ship or Vessel, as shall be the Captor thereof, their Agents, or Factors, as the proper Goods and Chattels of such Owner or Owners, and the Persons that shall be thus intitled thereto, by virtue of such Agreements among themselves; and that neither His Majesty, His Heirs, or Successors, or any Admiral, Vice-admiral, Governor, or other Person commissioned by or claiming under His Majesty, His Heirs, or Successors, or any Person or Persons whatsoever, other than the Owner or Owners of such Ship or Vessel, being the Captor of such Prize, Ship, or Vessel, Arms, Ammunition, Stores of War, Goods, and Merchandizes, and the Persons claiming under him or them, shall be intitled to any Part or Share thereof, except as to the Customs and Duties hereafter mentioned; any Custom, Statute, or any other Law to the contrary notwithstanding.

Lord High Admiral, &c. to grant Commissions to Commanders of Privateers.

III. And for the more speedy proceeding to Condemnation, or other Determination of any Prize, Ship or Vessel, Goods or Merchandizes, taken as aforesaid, and for lessening of the Expences that have been usual in the like Cases, be it further enacted by the Authority aforesaid, That the Judge or Judges of such Court of Admiralty, or other Person or Persons thereto authorized, shall, within the Space of Five Days, after Request to him or them for that Purpose made, finish the usual preparatory Examination of the Persons commonly examined in such Cases, in order to prove the Capture to be lawful Prize, or to enquire whether the same be lawful Prize or not, and that the proper Monition usual in such Cases shall be issued by the Person or Persons proper to issue the same, and shall be executed in the usual Manner by the Person or Persons proper to execute the same, within the Space of Three Days after Request in that Behalf made; and in case no Claim of such Capture, Ship, Vessel, or Goods, shall be duly entered or made in the usual Form, and attested upon Oath, giving Twenty Days Notice after the Execution of such Monition;

How the Prizes shall be tried, for Condemnation.

tion;

tion; or if there be such Claim, and the Claimant or Claimants shall not within Five Days give sufficient Security (to be approved by such Court of Admiralty) to pay double Costs to the Captor or Captors of such Ship, Vessel, or Goods, in case the same so claimed shall be adjudged lawful Prize, that then the Judge or Judges of such Court of Admiralty shall, upon producing to him or them the said Examinations or Copies thereof, and upon producing to him or them upon Oath all Papers and Writings which shall have been found taken in or with such Capture, or upon Oath made that no such Papers were found, immediately and without further Delay, proceed to Sentence, either to discharge and acquit such Capture, or to adjudge and condemn the same as lawful Prize, according as the Case shall appear to him or them, upon perusal of such preparatory Examinations, and also of the Writings found taken in or with such Capture, if any such Writing shall be found; and in case such Claim shall be duly entered or made, and Security given thereupon, according to the Tenor and true Meaning of this Act, and there shall appear no Occasion to examine any Witnesses, other than what shall be then near to such Court of Admiralty, that then such Judge or Judges shall forthwith cause such Witnesses to be examined, and within the Space of Ten Days after such Claim made and Security given, proceed to such Sentence as aforesaid, touching such Capture; but in case upon making or entering such Claim and the Allegation and Oath thereupon, or the producing such Writings as shall have been found taken in or with such Capture, or upon the said preparatory Examinations, it shall appear doubtful to the Judge or Judges of such Court of Admiralty, whether such Capture be lawful Prize or not; and it shall appear necessary according to the Circumstances of the Case, for the clearing and determining such Doubt, to have an Examination of Witnesses that are remote from such Court of Admiralty, and such Examination shall be desired, and that it be still insisted on on Behalf of the Captors that the said Capture is lawful Prize, and that the contrary be still persisted in on the Claimants Behalf, that then the said Judge or Judges shall forthwith cause such Capture to be appraised by Persons named on the Part of the Captor, and sworn truly to appraise the same according to the best of their Skill and Knowledge; for which Purpose the said Judge or Judges shall cause the Goods found on Board to be unladen, and put into proper Warehouses, with separate Locks of the Collector and Comptroller of the Customs; and where there is no Comptroller, of the naval Officer, and the Agents or Persons employed by the Captors and Claimants at the Charge of the Party or Parties desiring the same, and shall after such Appraisement made, and within the Space of Fourteen Days after the making of such Claim, proceed to take good and sufficient Security from the Claimants to pay the Captors the full Value thereof, according to such Appraisement, in case the same shall be adjudged lawful Prize; and after such Security duly given, the said Judge or Judges shall make an interlocutory Order, for releasing or delivering the same to such Claimant or Claimants, or his or their Agents, and the same shall be actually released or delivered accordingly.

IV. And it is further enacted by the Authority aforesaid, That if any Claimant or Claimants shall refuse to give such Security, the Judge or Judges shall cause the Captor or Captors in like Manner to give good and sufficient Security, to be approved of by the Claimant or Claimants, to pay the said Claimant or Claimants the full Value thereof according to the Appraisement, in case any such Capture or Captures shall be adjudged not to be lawful Prize; and the said Judge or Judges shall thereupon proceed to make an interlocutory Order, for the releasing and delivering of the same to the said Captor or Captors, or their Agents.

V. And it is further enacted by the Authority aforesaid, That all such Captures as aforesaid, which shall be brought into any of His Majesty's Colonies or Plantations in America, shall without breaking Bulk stay there, and be under the joint Care and Custody of the Collector and Comptroller of the Customs, or where there is no Comptroller, of the naval Officer of the Port or Place where the same shall be brought; and all the Captors thereof, and their Agents, until either the same shall by final Sentence have been either cleared and discharged, or adjudged and condemned as lawful Prize; or that such interlocutory Orders, as aforesaid, shall have been made for the releasing or delivering of the same; and upon the Condemnation or Adjudication thereof as lawful Prize, shall in case the same were taken by any such private Ship or Ships commissioned as aforesaid, be immediately delivered unto the Captors thereof, and their Agents, to be by them disposed of as their Goods and Chattels; and in case the same were taken by any of His Majesty's Ships of War, unto such Person or Persons, and to be so divided and disposed of, as His Majesty, His Heirs, and Successors shall by Proclamation for that Purpose order and direct.

Penalty on Judges neglect of Duty.

VI. And be it further enacted by the Authority aforesaid, That if any Judge or Judges, or other Officer or Officers, in any of His Majesty's Plantations or Dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making, or pronouncing any of the several Proceedings, Matters, or Things for, towards, or relating to condemning or discharging, releasing or delivering of any such Capture, in Manner aforesaid, within the respective Times herein before limited, or as soon as the same or any of them ought to be done according to the Tenor and true Meaning of this Act, all and every such Judge and Judges, and other Officer and Officers, shall for every such Offence forfeit the Sum of Five hundred Pounds; one Moiety thereof to His Majesty, His Heirs, and Successors; the other Moiety thereof, with full Costs of Suit, to such Person or Persons who shall inform or sue for the same, in any of the Courts in or for any of His Majesty's said Colonies or Plantations, or in any of His Majesty's Courts of Record within His Kingdom of Great Britain.

What shall be paid in the Courts of Admiralty abroad, for trying and condemning Prizes.

VII. And it is hereby further enacted by the Authority aforesaid, That there shall not be paid unto or among all the Judges and Officers of such Court of Admiralty in any of His Majesty's Plantations or Dominions abroad, for, towards, or relating to the adjudging or condemning of such Capture as aforesaid, as lawful Prize, above the Sum of Ten Pounds, in case such Prize, Ship, or Vessel be under the Burthen of One hundred Tons; nor above the Sum of Fifteen Pounds, in case the same be of that or any greater Burthen;

and

and that upon Payment of either of the ſaid reſpective Sums, as the Caſe ſhall require, to the ſaid Judge or Judges, or any of them, to be by him or them diſpoſed or divided, as he or they ſhall think fit, among the Officers of ſuch Court, ſuch Judges and Officers, and every of them, ſhall be liable to all and every the ſeveral Penalties hereby impoſed, for neglecting or delaying to do and perform their ſeveral and reſpective Duties or Offices in and relating to the ſeveral Proceedings aforeſaid, within the reſpective Times herein for that Purpoſe limited.

Appeal to Commiſſioners.

VIII. Provided nevertheleſs, and it is hereby further enacted by the Authority aforeſaid, That if any Captor or Captors, Claimant or Claimants, ſhall not reſt ſatisfied with the Sentence given in ſuch Court of Admiralty in any of His Majeſty's Plantations or Dominions abroad, it ſhall and may be lawful for the Party or Parties thereby aggrieved, to appeal from the ſaid Court of Admiralty to the Commiſſioners appointed or to be appointed under the Great Seal of Great Britain, for receiving, hearing, and determining Appeals in Cauſes of Prizes; ſuch Appeal to be allowed in the like Manner as Appeals to ſuch Commiſſioners are now allowed from the Court of Admiralty within this Kingdom; ſo as the ſame be made within Fourteen Days after Sentence, and a good Security be likewiſe given by the Appellant or Appellants, that he or they will effectually proſecute ſuch Appeal, and anſwer the Condemnation, as alſo pay treble Coſts, as ſhall be awarded, in caſe the Sentence of ſuch Court of Admiralty be affirmed; any thing in this Act before to the contrary hereof in any wiſe notwithſtanding. Provided always, That the Execution of any Sentence ſo appealed from as aforeſaid ſhall not be ſuſpended by reaſon of ſuch Appeal, in caſe the Party or Parties appellate ſhall give ſufficient Security, to be approved of by the Court in which ſuch Sentence ſhall be given, to reſtore the Ship, Veſſel, Goods, or Effects, concerning which ſuch Sentence ſhall be pronounced, or the full Value thereof, to the Appellant or Appellants, in caſe the Sentence ſo appealed from ſhall be reverſed.

To forfeit treble Value for all Goods embeziled on Board any Prizes.

IX. And be it further enacted by the Authority aforeſaid, That if any Commander or Commanders, Officer or Officers, Seamen, Marines, Soldiers, or others, ſhall break Bulk on Board, or embezil any of the Money, Jewels, Plate, Goods, Merchandize, Tackle, Furniture, or Apparel of or belonging to ſuch Prize or Prizes ſo taken, ſuch Commander, Officer, Seaman, Marine, Soldier, or others, ſhall forfeit treble the Value of all ſuch Money, Jewels, Plate, Goods, Merchandize, Tackle, Furniture, or Apparel, as he or they ſhall embezil; One third Part thereof to be to the Uſe of Greenwich Hoſpital, and the other Two third Parts thereof to him or them that will ſue for the ſame, by Action of Debt, Plaint, or Information, in any Court of Record in Great Britain, in which no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

Agents for Sale of Prizes, how to be appointed.

X. And be it further enacted by the Authority aforeſaid, That all Appraiſements and Sales of any Ship or Ships, Goods, Wares, or Merchandizes, as ſhall be taken by any of His Majeſty's Ships of War, ſhall be made by Agents, or Perſons nominated and appointed in equal Numbers by the Commander, Officer, or Ship's Company, and others intitled thereunto (that is to ſay) That if the Commander or Commanders of ſuch Ship or Ships, as ſhall take any ſuch Prize or Prizes, ſhall nominate and appoint one or more Perſon or Perſons, Agent or Agents, to ſell or appraiſe the ſame as aforeſaid, then the Officers intitled thereunto, or the Majority of them, ſhall nominate and appoint the like Number of Perſons or Agents to act for them; and the Ship's Company and others, or the major Part of them, ſhall alſo nominate and appoint the ſame Number of Perſons or Agents to act on their Behalf in ſuch Appraiſement or Sale; provided that nothing herein contained ſhall extend or be conſtrued to alter or make void any Agreement or Agreements made or to be made in Writing between the Owners, Officers, and Seamen of any private Ships or Veſſels of War.

Publick Notice to be given by the Agents, of the Day appointed to pay the Captors Shares.

Shares not demanded in 3 Years, to go to *Greenwich Hoſpital.*

XI. And be it further enacted by the Authority aforeſaid, That after the Sale or Sales of ſuch Prize or Prizes, as ſhall be taken from the Enemy by any of His Majeſty's Ships of War, publick Notification ſhall be given by the Perſons or Agents appointed as aforeſaid, of the Day appointed for the Payment of the ſeveral Shares to the Captors aforeſaid; after which publick Notification if any Mens Shares ſhall remain in the Hands of the Perſons or Agents appointed as aforeſaid, and ſhall not be legally demanded within Three Years, then ſuch Share or Shares ſo remaining in the Perſons or Agents Hands ſhall go and be paid to the Uſe of Greenwich Hoſpital.

Proviſo.

XII. Provided always, and be it declared and enacted by the Authority aforeſaid, That nothing herein contained ſhall extend, or be conſtrued to extend, to exempt any Ships, Goods, Wares, or Merchandizes, which ſhall be taken as Prize, and brought or imported into this Kingdom, or any of His Majeſty's Plantations in America, from the Payment of any Cuſtoms or Duties, or from being ſubject to ſuch Reſtrictions and Regulations, to which the ſame now are or ſhall hereafter be liable by virtue of the Laws and Statutes of this Realm.

Charters, &c. to be granted to Adventurers.

XIII. And for the encouraging His Majeſty's Subjects to engage in joint and united as well as ſeparate Expences, Expeditions, and Adventures, be it further enacted by the Authority aforeſaid, That His Majeſty be, and he, and His Heirs, and Succeſſors, are hereby impowered, from time to time during the Continuance of the preſent or any future War, to grant or make any Charter, Commiſſion, or Grant, Charters, Commiſſions, or Grants, for the better or more effectual enabling any Society or Societies, or particular Perſons, to join in any Expeditions or Adventures by Sea or Land, and to ſail to and in any of the Seas in America, for the attacking, ſurprizing, taking, or deſtroying any Ships, Goods, Moveables and Immoveables, Settlements, Factories, Creeks, Harbours, Places of Strength, Lands, Forts, Caſtles, and Fortifications, now belonging, or hereafter to belong to, or to be poſſeſſed by any Enemy of His Majeſty, His Heirs, or Succeſſors, in any Part or Parts of America; and for the better making and carrying on any Preparations for ſuch Purpoſe and Purpoſes, and for the making and aſſuring to the Societies and Perſons which may be concerned, their Heirs, Succeſ-

sors, Executors, Administrators, and Assigns, full and undoubted Properties, Rights, and Titles, of, in, and to, and the full Enjoyment of all and every the Ships, Ammunition, Stores of War, Goods, Chattels, Moveables and Immoveables, Settlements, Factories, Places of Strength or Security, Lands, Forts, Castles, or Fortifications, now belonging to, or possessed by, or hereafter to belong to, or to be possessed by any Enemy of His Majesty, His Heirs, or Successors, in any of the Parts of America, which such Society or Persons shall take, or cause to be taken from any such Enemy, together with all the Proceed, Profits, and Advantages, which may accrue of or by the same, or any of them, with and under such Regulations, and in such Manner and Form as His Majesty, His Heirs, and Successors shall think fit; and at any Time or Times afterwards, by any further Grants or Charters, to confirm, corroborate, and further assure the Premisses, and every or any of them, to the said Societies or Persons concerned, their and every of their Heirs, Successors, Executors, Administrators, or Assigns, so as to enable them, and every of them, to have, hold, and enjoy the full Benefit thereof according to the true Intent and Meaning of this Act; any Law, Statute, Provision, or Declaration to the contrary in any wise notwithstanding.

Proviso.

XIV. Provided always, That nothing shall be contained in any Charter, Commission, or Grant, made in Pursuance of this Act, to exclude or restrain any of His Majesty's Subjects from having a full and free Trade to and in any Part of America.

Bounty-money to be paid for taking or destroying the Enemies Ships.

XV. And as a further Encouragement to the Officers, Seamen, Marines, Soldiers, and others on Board His Majesty's Ships of War, as also of Privateers, to attack, take, and destroy any Ships of Force belonging to the Enemy, be it enacted by the Authority aforesaid, That there shall be paid by the Treasurer of His Majesty's Navy, upon Bills to be made forth by the Commissioners of the Navy, to be paid according to the Course thereof without Fee or Reward, unto the Officers, Seamen, Marines, Soldiers, or others, that shall have been actually on Board such of His Majesty's Ship or Ships of War, or Privateer or Privateers, in any Action where any Ship or Ships of War, or Privateers, shall have been taken from the Enemy, sunk, burnt, or otherwise destroyed, Five Pounds for every Man which was living on Board any Ship or Ships so taken, sunk, burnt, or otherwise destroyed, at the Beginning of the Engagement between them; the Numbers of such Men to be proved by the Oaths of Three or more of the chief Officers, or Men, which were belonging to the said Ship or Ships of War, or Privateers of the Enemy, at the Time of her or their being taken as Prize, sunk, burnt, or otherwise destroyed, before the Mayor, or other chief Magistrate of the Port, whereunto any Prize, or Officers, or Men of such Ships, as were sunk, burnt, or otherwise destroyed, shall be brought; which Oaths the said Mayor, or other chief Magistrate of any such Port, is hereby impowered and required to administer, and shall forthwith grant a Certificate thereof, without Fee or Reward, directed to the Commissioners of the Navy; upon producing which Certificate to the Commissioners of His Majesty's Navy, together with an authentick Copy of the Condemnation of such Ship so taken; or if such Ship be sunk, burnt, or otherwise destroyed, on producing only a Certificate from the Mayor, or other chief Magistrate, as aforesaid, the said Commissioners of His Majesty's Navy, or such Person or Persons as they shall appoint for that Purpose, shall, according to the Course of the Navy, within Fifteen Days make out Bills for the Amount of such Bounty, directed to the Treasurer of the Navy, payable to, and to be divided amongst the Officers, Seamen, Marines, and Soldiers on Board His Majesty's Ships of War, in Manner, Form, and Proportion, as by His Majesty's Proclamation to be issued for that Purpose shall be directed and appointed; and amongst the Owners, Officers, and Seamen of any private Vessel, or Ship of War, in such Manner and Proportion, as by any Agreement in Writing they shall have entered into for that Purpose, shall be directed.

Captors to appoint Agents to receive the Bounty-money.

XVI. And be it further enacted by the Authority aforesaid, That the Bill or Bills to be made out for the Bounty hereby granted to the Commanders, Officers, Seamen, Marines, Soldiers, and others of His Majesty's Ships of War, for taking, sinking, burning, or otherwise destroying any Ships of War, or Privateers, belonging to any of His Majesty's Enemies, shall be made payable to such Person or Persons as shall be authorized and appointed by the Commander, and by the Majority of the Officers, and the major Part of such Ship's Company, and others, as shall have taken, sunk, burnt, or otherwise destroyed the same, to be distributed and divided by the said Person or Persons so authorized and appointed, amongst the Captors, in such Manner, Form, and Proportion, as aforesaid; the several Shares of which Captors, if not legally demanded within Three Years after publick Notification, shall be applied to the Use of Greenwich Hospital; and that the Bill or Bills to be made out for the Bounty hereby granted to Privateers, for taking, sinking, burning, or otherwise destroying any Ships of War or Privateers belonging to any of His Majesty's Enemies, shall be made payable to such Person or Persons as shall be nominated and appointed by the Owner or Owners, Officers, and Seamen of such Privateer or Privateers, who shall have taken, sunk, burnt, or otherwise destroyed the same, or the major Part of them, to be divided in such Manner and Proportion as shall have been agreed by them as aforesaid.

Prizes of *Galleons*, &c. not to be adjudged in the *American* Courts of Admiralty.

XVII. Provided nevertheless, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige or authorize any Judge of any of His Majesty's Courts of Admiralty in the Plantations or Colonies in America, or elsewhere out of Great Britain, to adjudge or determine concerning the Validity of the Capture of any Ship or Ships, whether Men of War or Merchant Ships, commonly called Flota Ships or Galleons, or any Ship having a Register, bound from Buenos Ayres, or Honduras, or any Goods on Board any such Ship; but that all such Ships called Flota Ships or Galleons, and every Ship having a Register, bound from Buenos Ayres, or Honduras, which shall be taken by any Ship or Ships, shall with their Cargoes be tried and adjudged in His Majesty's High Court of Admiralty; any thing in this Act to the contrary in any wise notwithstanding.

Goods of *British* Subjects retaken from the Enemy, how to be disposed of.

Strange. 1250.

XVIII. Provided always, and be it enacted, That if any Ship, Vessel, or Boat taken as Prize, or any Goods therein, shall appear and be proved in the Court of Admiralty to be belonging to any of His Majesty's Subjects of Great Britain or Ireland, or any of the Dominions and Territories remaining and continuing under His Majesty's Protection and Obedience, which were before taken or surprized by any of His Majesty's Enemies, and afterwards again surprized and retaken by any of His Majesty's Ships of War, or any private Man of War, or other Ship, Vessel, or Boat under His Majesty's Protection or Obedience; that then such Ships, Vessels, Boats, and Goods, and every such Part and Parts thereof as aforesaid, belonging to such His Majesty's Subjects, shall be adjudged to be restored, and shall be by Decree of the said Court of Admiralty accordingly restored to such former Owner or Owners or Proprietors, he or they paying for and in lieu of Salvage, if taken by one of His Majesty's Ships of War, an eighth Part of the true Value of the Ships, Vessels, Boats, and Goods respectively so to be restored; which Salvage shall be answered and paid to the Captains, Officers, and Seamen in the said Man of War, to be divided in such Manner as before in this Act is directed touching the Share of Prizes belonging to the Flag Officers, Captains, Officers, Seamen, Marines, and Soldiers, where Prizes are taken by any of His Majesty's Ships of War: And if taken by a Privateer or other Ship, Vessel, or Boat, after having been in the Possession of the Enemy, Twenty four Hours, an Eighth Part of the true Value of the said Ships, Vessels, Boats, and Goods; and if above Twenty-four Hours, and under Forty-eight Hours, a fifth Part thereof; and if above Forty-eight Hours, and under Ninety-six Hours, a third Part thereof; and if above Ninety-six Hours, a Moiety thereof: All which Payments to be made to any Privateer or other Ship, Vessel, or Boat, shall be without any Deductions: And if such Ship so retaken shall appear to have been, after the taking by the Enemy, by them set forth as a Man of War, the former Owners and Proprietors to whom the same shall be restored, shall be adjudged to pay, and shall pay for Salvage, the full Moiety of the true Value of the said Ship so taken and restored, without Deduction as aforesaid; any Law, Custom, or Usage to the contrary notwithstanding.

Penalties on Ships taken by Collusion.

XIX. And be it further enacted, That in case any Ship or Vessel, or any Goods or Merchandizes, shall be taken by any Privateer through Consent or clandestinely, or by Collusion or Connivance, such Ship and Vessel, and such Goods and Merchandizes, and also the Ship's Tackle, Apparel, Furniture, and Ammunition of such Privateer, shall, upon Proof thereof to be made in His Majesty's Court of Exchequer, or in the Court of Admiralty, be declared and judged to be good Prize to His Majesty, one Moiety thereof shall be to the Use of His Majesty, His Heirs, and Successors, and the other Moiety to the Use of such Person who shall discover and sue for the same; and the Bond given by the Captain of such Privateer, shall be and is hereby adjudged to be forfeited to His Majesty: And in case any such Ship or Vessel, or any Goods or Merchandizes as aforesaid shall be taken by any Man of War through Consent, clandestinely, or by Collusion or Connivance of the Commander or Captain, such Commander or Captain shall forfeit the Sum of One thousand Pounds; one Moiety thereof to the Use of His Majesty, His Heirs, and Successors, and the other Moiety to the Use of such Person who shall discover and sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record, wherein no Essoign, Protection, Privilege, or Wager of Law, or any more than one Imparlance shall be allowed; and such Captain or Officer shall forfeit his Command and Employment, and shall be and is hereby disabled and made incapable of any Office or Employment under His Majesty during the Space of Seven Years; and the said Goods and Merchandizes, and the Ship, Tackle, Apparel, Furniture, Guns, and Ammunition, so taken by Collusion, shall be and is hereby adjudged to be good Prize to His Majesty.

No Privateer, &c. in *America*, to take on Board any Servant, without Consent of the Master.

But in all Cases to observe the Laws of that Country.

XX. And whereas good and necessary Laws have been made, and are still in Force, within several of His Majesty's Colonies or Plantations in *America*, for the preventing the carrying off from the said Colonies or Plantations any Servant or Slave without the Consent of the Owner, or the carrying off from thence any other Person or Persons whatsoever, until such Person shall have taken out his Ticket from the Secretary's Office within such respective Colony or Plantation, in such Manner, and under such Penalties and Forfeitures, as in and by the said several Laws is declared and provided; **be it therefore further enacted by the Authority aforesaid, That all Commanders of private Ships of War, or Merchant Ships, having Letters of Marque, shall upon their going into any of those Ports or Harbours, be subject and they are hereby determined to be subject to the several Directions, Provisions, Penalties, and Forfeitures in and by such Laws made and provided; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.**

CAP. V.

An Act for making more effectual Three several Acts of Parliament, one of the Sixth Year of the Reign of her late Majesty Queen *Anne*, and another of the Eleventh Year of the Reign of his late Majesty King *George*, *For repairing the Highways from* Old Stratford *in the County of* Northampton, *to* Dunchurch *in the County of* Warwick; and the Third made in the Tenth Year of His present Majesty's Reign, for making more effectual the said Two former Acts.

Preamble. 6 *Annæ. not printed.*

WHEREAS by an Act of Parliament passed in the Sixth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for repairing the Highways from* Old Stratford *in the County of* Northampton, *to* Dunchurch *in the County of* Warwick; several Tolls and Duties were granted and made payable, and divers Powers and Authorities given, for repairing the said Highways (containing in Length Twenty-nine measured Miles) and for putting the said Act in Execution for the Term of Twenty-one Years, from the First Day of *May*, One thousand seven hundred and eight; which said Term and Powers were, by another Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the First, further enlarged for the Term of Twenty-one Years, to commence and take Place from the Expiration

piration of the firſt mentioned Act; and by another Act paſſed in the Tenth Year of His preſent Majeſty's Reign, the ſaid Term granted by the Two firſt mentioned Acts, are further enlarged for the Term of Twenty-one Years, to commence and take Place from the Expiration of the laſt mentioned Act: And whereas by the ſaid Act paſſed in the Tenth Year of His preſent Majeſty's Reign, it is enacted, That the Three Turnpike Gates erected on the ſaid Highways ſhall continue in the reſpective Places they then ſtood; and that it ſhall not be lawful for the Truſtees impowered to put the ſaid Acts in Execution, to remove or pull down either of the Turnpike Gates during the Continuance of the ſaid Acts: And whereas great Inconveniencies have ariſen by reaſon of Perſons of ſmall Fortunes having been appointed Truſtees for putting the ſaid Acts in Execution, in regard that Gentlemen of conſiderable Eſtates neglect or refuſe to come to the Meetings of the ſaid Truſtees; by which Means the Powers and Truſts veſted in the Truſtees by the ſaid Acts are not put in Execution in the moſt beneficial Manner for repairing the ſaid Highways, *&c.*

The Tolls are further continued for 21 *Years.*

CAP. VI.

An Act to indemnify Perſons who have omitted to qualify themſelves for Offices and Employments, within the Time limited by Law, and for allowing further Time for that Purpoſe.

WHEREAS divers Perſons, who, on account of their Offices, Places, Employments, or Profeſſions, or any other Cauſe or Occaſion, ought to have taken and ſubſcribed the Oaths or the Aſſurance reſpectively appointed to be taken by ſuch Perſons, in and by an Act made in the Firſt Year of the Reign of His late Majeſty King *George* the Firſt, of Glorious Memory, intituled, *An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs* Sophia, *being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of* Wales, *and his open and ſecret Abettors*; or to have qualified themſelves according to an Act made in the Thirteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the well governing and regulating Corporations*; or to have qualified themſelves according to another Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers which may happen from Popiſh Recuſants*; by receiving the Sacrament of the Lord's Supper, according to the Uſage of the Church of *England*, and making and ſubſcribing the Declaration againſt Tranſubſtantiation therein mentioned, have, through Ignorance of the Law, Abſence, or ſome unavoidable Accident, omitted to take and ſubſcribe the ſaid Oaths or Aſſurance, or otherwiſe to qualify themſelves, as aforeſaid, within ſuch Time, and in ſuch Manner as in and by the ſaid Acts reſpectively, or by any other Act of Parliament in that Behalf made and provided, is required; whereby they may be in Danger of incurring divers Penalties and Diſabilities: Preamble.

For quieting the Minds of His Majeſty's Subjects, and for preventing any Inconveniencies that might otherwiſe happen by Means of ſuch Omiſſions; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and every Perſon and Perſons, who ſhall on or before the Eighth Day of November, **in the Year of our Lord One thouſand ſeven hundred and forty, take and ſubſcribe the ſaid Oaths and Aſſurance reſpectively, in ſuch Caſes wherein by Law the ſaid Oaths or Aſſurance ought to have been taken and ſubſcribed, in ſuch Manner and Form, and ſuch Place and Places, as are appointed in and by the ſaid Act made in the Firſt Year of the Reign of His ſaid late Majeſty King** George **the Firſt, or by any other Act or Acts of Parliament in that Behalf made and provided, and alſo receive the Sacrament of the Lord's Supper according to the Uſage of the Church of** England, **and make and ſubſcribe the ſaid Declaration againſt Tranſubſtantiation, in ſuch Caſes wherein the ſaid Sacrament ought to have been received and the ſaid Declaration ought to have been made and ſubſcribed, ſhall be, and are hereby indemnified, freed, and diſcharged of, from, and againſt all Penalties, Forfeitures, Incapacities, and Diſabilities incurred or to be incurred for or by Reaſon of any former Neglect or Omiſſion of taking or ſubſcribing the ſaid Oaths or Aſſurance, or receiving the Sacrament, or making or ſubſcribing the ſaid Declaration reſpectively, according to the above mentioned Acts, or any of them, or any other Act or Acts concerning Perſons in Offices or Places of Truſt; and is, and are, and ſhall be fully and actually recapacitated, and reſtored to the ſame State and Condition, as ſuch Perſon and Perſons were in before ſuch Neglect or Omiſſion; and ſhall be deemed and adjudged to have duly qualified him, her, or themſelves, according to the above mentioned Acts, and every of them; and that all Acts done or to be done by any ſuch Perſon or Perſons, or by Authority derived from him or them, are and ſhall be of the ſame Force and Validity, as the ſame or any of them would have been, if ſuch Perſon or Perſons had taken the ſaid Oaths and Aſſurance, and received the Sacrament of the Lord's Supper, and made and ſubſcribed the ſaid Declaration reſpectively, according to the Direction of the ſaid Acts and every of them; and that ſuch Perſon or Perſons qualifying themſelves in Manner and within the Time appointed by this Act, ſhall be to all Intents and Purpoſes as effectual, as if ſuch Perſon or Perſons had reſpectively taken and ſubſcribed the ſaid Oaths and Aſſurance, and received the Sacrament, and made and ſubſcribed the ſaid Declaration, within the Time and in the Manner appointed by the ſeveral Acts before mentioned.**

Perſons taking the Oaths of Act 1 *Geor.* I. and receiving the Sacrament, indemnified, and recapacitated. and their Acts valid.

II. **Provided always, That this Act, or any thing herein contained, ſhall not extend, or be conſtrued to extend, to reſtore or intitle any Perſon or Perſons to any Office, or Employment, Benefice, Matter, or Thing whatſoever, already actually avoided by Judgement of any of His Majeſty's Courts of Record, or already filled up or enjoyed by another Perſon; but that ſuch Office, Employment, Benefice, Matter, or Thing, ſo avoided or filled up and enjoyed as aforeſaid, ſhall be and remain in and to the Perſon or Perſons who is or are now intitled to the ſame, as if this Act had never been made.**

But Perſons not hereby reſtored to Places already avoided or filled up.

CAP. VII.

An Act for naturalizing ſuch foreign Proteſtants, and others therein mentioned, as are ſettled, or ſhall ſettle, in any of His Majeſty's Colonies in *America*.

Preamble.

WHEREAS the Increaſe of People is a Means of advancing the Wealth and Strength of any Nation or Country: And whereas many Foreigners and Strangers from the Lenity of our Government, the Purity of our Religion, the Benefit of our Laws, the Advantages of our Trade, and the Security of our Property, might be induced to come and ſettle in ſome of His Majeſty's Colonies in *America*, if they were made Partakers of the Advantages and Privileges which the natural born Subjects of this Realm do enjoy; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and forty, all Perſons born out of the Ligeance of His Majeſty, His Heirs, or Succeſſors, who have inhabited and reſided, or ſhall inhabit and reſide, for the Space of Seven Years or more, in any of His Majeſty's Colonies in** America, **and ſhall not have been abſent out of ſome of the ſaid Colonies for a longer Space than Two Months at any one Time during the ſaid Seven Years, and ſhall take and ſubſcribe the Oaths, and make, repeat, and ſubſcribe the Declaration appointed by an Act made in the Firſt Year of the Reign of His late Majeſty King** George **the Firſt, intituled,** An Act for the further Security of His Majeſty's Perſon and Government, and the Succeſſion of the Crown in the Heirs of the late Princeſs *Sophia*, being Proteſtants; and for extinguiſhing the Hopes of the pretended Prince of *Wales*, his open and ſecret Abettors; **or, being of the People called** Quakers **ſhall make and ſubſcribe the Declaration of Fidelity, and take and affirm the Effect of the Abjuration Oath, appointed and preſcribed by an Act made in the Eighth Year of the Reign of His ſaid late Majeſty, intituled,** An Act for granting the People called *Quakers*, ſuch Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lie under; **and alſo make and ſubſcribe the Profeſſion of his Chriſtian Belief, appointed and preſcribed by an Act made in the Firſt Year of the Reign of their late Majeſties King** William **and Queen** Mary, **intituled,** An Act for exempting their Majeſties Proteſtant Subjects from the Penalties of certain Laws; **before the chief Judge, or other Judge of the Colony wherein ſuch Perſons reſpectively have ſo inhabited and reſided, or ſhall ſo inhabit and reſide, ſhall be deemed, adjudged, and taken to be His Majeſty's natural born Subjects of this Kingdom, to all Intents, Conſtructions, and Purpoſes, as if they and every of them had been or were born within this Kingdom; which ſaid Oath or Affirmation and Subſcription of the ſaid Declarations reſpectively the chief Judge or other Judge of every of the ſaid reſpective Colonies is hereby enabled and impowered to adminiſter and take; and the taking and ſubſcribing of every ſuch Oaths or Affirmation, and the making, repeating, and ſubſcribing of every ſuch Declaration, ſhall be before ſuch Chief Judge or other Judge in open Court, between the Hours of Nine and Twelve in the Forenoon; and ſhall be entered in the ſame Court, and alſo in the Secretary's Office of the Colony wherein ſuch Perſon ſhall ſo inhabit and reſide: And every Chief Judge or other Judges of every reſpective Colony, before whom ſuch Oaths or Affirmation ſhall be taken, and every ſuch Declaration ſhall be made, repeated, and ſubſcribed as aforeſaid, is hereby required to make a due and proper Entry thereof in a Book to be kept for that Purpoſe in the ſaid Court; for the doing whereof Two Shillings and no more ſhall be paid at each reſpective Place, under the Penalty and Forfeiture of Ten Pounds of lawful Money of** Great Britain **for every Neglect or Omiſſion: And in like Manner every Secretary of the Colony wherein any Perſon ſhall ſo take the ſaid Oaths or Affirmation, and make, repeat, and ſubſcribe the ſaid Declarations reſpectively, as aforeſaid, is hereby required to make a due and proper Entry thereof in a Book to be kept for that Purpoſe in his Office, upon Notification thereof to him by the Chief Judge or other Judge of the ſame Colony, under the like Penalty and Forfeiture for every ſuch Neglect or Omiſſion.**

Foreigners living 7 Years in any of our Colonies, to be deemed Natives, on taking the Oaths, &c.

Quakers to ſubſcribe the Declaration of Fidelity, &c.

The ſame Penalty on Secretary's neglecting to Regiſter.

II. **Provided always, and be it enacted by the Authority aforeſaid, That no Perſon, of what Quality, Condition, or Place ſoever, other than and except ſuch of the People called** Quakers **as ſhall qualify themſelves and be naturalized by the Ways and Means herein before mentioned, or ſuch who profeſs the** Jewiſh **Religion, ſhall be naturalized by virtue of this Act, unleſs ſuch Perſon ſhall have received the Sacrament of the Lord's Supper in ſome Proteſtant or Reformed Congregation within this Kingdom of** Great Britain, **or within ſome of the ſaid Colonies in** America, **within Three Months next before his taking and ſubſcribing the ſaid Oaths, and making, repeating, and ſubſcribing the ſaid Declaration; and ſhall at the Time of his taking and ſubſcribing the ſaid Oaths, and making, repeating, and ſubſcribing the ſaid Declaration, produce a Certificate ſigned by the Perſon adminiſtring the ſaid Sacrament, and atteſted by Two credible Witneſſes, whereof an Entry ſhall be made in the Secretary's Office of the Colony, wherein ſuch Perſon ſhall ſo inhabit and reſide, as alſo in the Court where the ſaid Oaths ſhall be ſo taken as aforeſaid, without any Fee or Reward.**

Each qualified Perſon to receive the Sacrament, except *Quakers* and *Jews*.

III. And whereas the following Words are contained in the latter Part of the Oath of Abjuration, *Videlicet (upon the true Faith of a Chriſtian)* And whereas the People profeſſing the *Jewiſh* Religion may thereby be prevented from receiving the Benefit of this Act; **be it further enacted by the Authority aforeſaid, That whenever any Perſon profeſſing the** Jewiſh **Religion ſhall preſent himſelf to take the ſaid Oath or Abjuration in Purſuance of this Act, the ſaid Words** (upon the true Faith of a Chriſtian) **ſhall be omitted out of the ſaid Oath in adminiſtring the ſame to ſuch Perſon, and the taking and ſubſcribing the ſaid Oath by ſuch Perſon profeſſing the** Jewiſh **Religion, without the Words aforeſaid, and the other Oaths appointed by the ſaid Act in like Manner as** Jews **were permitted to take the Oath of Abjuration, by an Act made in the Tenth Year of the Reign of his late Majeſty King** George **the Firſt, intituled,** An Act for explaining and amending an Act of the laſt Seſſion of Parliament, intituled, *An Act to oblige all Perſons, being Papiſts, in that Part of* Great Britain *called* Scotland, *and all Perſons in* Great Britain, *refuſing or neglecting to take the Oaths appointed for the Security of His Majeſty's Perſon and Government, by ſeveral Acts herein mention-*

Jews taking the Oaths, may omit ſome Chriſtian Expreſſions.

ed, to regiſter their Names and real Eſtates; and for enlarging the Time for taking the ſaid Oaths, and making ſuch Regiſters, and for allowing further Time for the Inrolment of Deeds or Wills made by Papiſts, which have been omitted to be inrolled purſuant to an Act of the Third Year of His Majeſty's Reign; And alſo for giving Relief to Proteſtant Leſſees, **ſhall be deemed a ſufficient taking of the ſaid Oaths, in order to intitle ſuch Perſon to the Benefit of being naturalized by Virtue of this Act.**

IV. **And be it further enacted by the Authority aforeſaid, That a Teſtimonial or Certificate under the Seal of any of the ſaid Colonies, of any Perſons having reſided and inhabited for the Space of Seven Years or more as aforeſaid within the ſaid Colonies or ſome of them, to be ſpecified in ſuch Certificate, together with the particular Time of Reſidence in each of ſuch reſpective Colonies, (whereof the Colony under the Seal of which ſuch Certificate ſhall be given to be one) and of his having taken and ſubſcribed the ſaid Oaths, and of his having made, repeated, and ſubſcribed the ſaid Declaration, and in caſe of a** Quaker **of his having made and ſubſcribed the Declaration of Fidelity, and of his having taken and affirmed the Effect of the Abjuration Oath as aforeſaid, and in the Caſe of a Perſon profeſſing the** Jewiſh **Religion, of his having taken the Oath of Abjuration as aforeſaid, within the ſame Colony, under the Seal whereof ſuch Certificate ſhall be given as aforeſaid, ſhall be deemed and taken to be a ſufficient Teſtimony and Proof thereof, and of his being a natural born Subject of** Great Britain, **to all Intents and Purpoſes whatſoever, and as ſuch ſhall be allowed in every Court within the Kingdoms of** Great Britain and Ireland, **and alſo in the ſaid Colonies in** America.

Certificates given by the Colony, of Reſidence, taking the Oaths, &c. to be allowed proper Evidence in all the Courts of *Great Britain* and *Ireland*.

V. **And be it further enacted by the Authority aforeſaid, That every Secretary of the ſaid reſpective Colonies for the time being, ſhall and is hereby directed and required at the End of every Year, to be computed from the ſaid Firſt Day of** June, **in the Year of our Lord One thouſand ſeven hundred and forty, to tranſmit and ſend over to the Office of the Commiſſioners for Trade and Plantations kept in the City of** London **or** Weſtminſter, **a true and perfect Liſt of the Names of all and every Perſon and Perſons who have in that Year intitled themſelves to the Benefit of this Act, under the Penalty and Forfeiture of Fifty Pounds of lawful Money of** Great Britain **for every Neglect or Omiſſion: All which ſaid Liſts ſo tranſmitted and ſent over, ſhall from Year to Year be duly and regularly entered by the ſaid Commiſſioners, in a Book or Books to be had and kept for that Purpoſe in the ſaid Office, for publick View and Inſpection as Occaſion ſhall require.**

Secretary of the Colony to ſend over to the Commiſſioners of Trade Liſts yearly, to be regiſtered in *England*; on Penalty of 50*l.*

VI. **Provided always, and it is hereby further enacted, That no Perſon who ſhall become a natural born Subject of this Kingdom by virtue of this Act, ſhall be of the Privy Council, or a Member of either Houſe of Parliament, or capable of taking, having, or enjoying any Office or Place of Truſt within the Kingdoms of** Great Britain **or** Ireland, **either Civil or Military, or of having, accepting, or taking any Grant from the Crown to himſelf, or to any other in Truſt for him, of any Lands, Tenements, or Hereditaments within the Kingdoms of** Great Britain **or** Ireland; **any thing herein before contained to the contrary thereof in any wiſe notwithſtanding.**

Proviſo.

CAP. VIII.

An Act to explain and amend an Act made in the First Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for the more effectual preventing the Abuſes and Frauds of Perſons employed in the working up the Woollen, Linen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom*; and for extending the ſaid Act to the Manufactures of Leather.

WHEREAS by an Act made in the Firſt Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for the more effectual preventing the Abuſes and Frauds of Perſons employed in the working up the Woollen, Linen, Fuſtian, Cotton, and Iron Manufactures of this Kingdom*; it is amongſt other Things enacted, That if any Perſon or Perſons employed in working up of Woollen, Linen, Fuſtian, Cotton, or Iron Manufactures, ſhould embezil or purloin any Wefts, Thrums, or Ends of Yarn, or any other Materials of Wooll, Hemp, Flax, Cotton, or Iron, with which he, ſhe, or they was, were, or ſhould be intruſted to work upon, or ſhould reel ſhort or falſe Yarn, and ſhould be thereof convicted in ſuch Manner as in and by the ſaid Act is preſcribed, ſhould forfeit double the Value of the Damages done, for the Uſe of the Poor of the ſaid Pariſh; and in caſe the Offender or Offenders to be convicted as in the ſaid Act is mentioned, ſhould neglect or refuſe to pay their Forfeiture or Forfeitures, that then it ſhould and might be lawful to and for One Juſtice of the Peace of the County where ſuch Offence ſhall be committed, to cauſe the ſaid Offender to be committed to the Houſe of Correction, until Satisfaction ſhould be made. And in caſe it ſhould appear to the ſaid Juſtice, that the ſaid Offender was not able to make Satisfaction, then the ſaid Offender is to be there publickly whipped, and kept to hard Labour for any Time not exceeding Fourteen Days. And by the ſaid Act it is further enacted, That every Perſon buying or receiving any Wefts, Thrums, or Ends of Yarn, or any other Materials of Wooll, Hemp, Flax, Cotton, or Iron, and being thereof lawfully convicted in Manner as in the ſaid Act is mentioned, ſhall ſuffer the like Penalties and Forfeitures as one convicted purſuant to the ſaid Act for purloining and embeziling of the ſaid Materials; which ſaid Act was made temporary only; but being by Experience found to be beneficial, was by another Act, paſſed in the Ninth Year of the Reign of Her ſaid late Majeſty, made perpetual: And whereas Doubts have ariſen, whether the before mentioned Clauſes in the ſaid Act of the Firſt Year of the Reign of Her ſaid late Majeſty extend to the embeziling Woollen, Linen, Fuſtian, Cotton, and Iron Manufactures, actually wrought or made up into merchantable Wares, and whether the ſaid Forfeiture of double the Value of the Damages done, when recovered, ſhould be applied for the Uſe of the Poor of the Pariſh where the Perſons injured ſhall reſpectively live, or for the Uſe of the Poor of the Pariſh in which the Offence has been or ſhall be committed: And whereas the Forfeitures and Penalties to which Offenders are ſubjected by the recited Act, have proved ineffectual to anſwer the Purpoſes thereby intended; **Now to explain and amend the ſaid Act, ſo far as the ſame relates to the Matters aforeſaid, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons who ſhall be hired or employed in the working up of any Woollen, Linen, Fuſtian, Cotton, or Iron Manufactures, ſhall,**

Preamble, reciting the Act 1 *Annæ, ſt.* 2. *c.* 18.

shall, after the first Day of May, One thousand seven hundred and forty, purloin, imbezil, secret, sell, pawn, exchange, or otherwise illegally dispose of any the Materials with which he, she, or they shall be respectively intrusted to work up such Woollen, Linen, Fustian, Cotton, or Iron Manufactures, whether the same or any Part thereof be or be not first wrought, made up, or manufactured, or shall reel short or false Yarn, the Person or Persons so offending, and being thereof convicted in Manner and Form as is prescribed by the said recited Act for the Conviction of Persons who shall embezil, or purloin any of the Materials therein mentioned, he, she, or they shall severally forfeit double the Value of the Damages, which the Owner or Owners of such Materials, whether the same or any Part thereof be or be not manufactured, shall respectively sustain thereby, together with such Costs of Prosecution for every such Offence as shall be adjudged reasonable by the Justice of the Peace, before whom such Offender or Offenders respectively shall be convicted; and in case immediate Payment of the respective Forfeitures, together with such Costs of Prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same Justice of the Peace, before whom such Conviction shall be made, to cause the said Offender or Offenders, to be committed to the House of Correction, to be there whipped, and kept to hard Labour for any Time not exceeding Fourteen Days; and in case of a further Conviction for or on a second or other subsequent Offence of any Person, for embeziling or purloining any of the Materials in the said Act mentioned, either before the same or any Part thereof shall be wrought, made up, or converted into merchantable Wares, the Person or Persons so offending, shall for every second or other subsequent Offence, being thereof convicted in Manner as is mentioned in the said recited Act, forfeit four Times the Value of the Damages, which the Owner or Owners of such Materials, whether the same be or be not wrought, made up, or manufactured respectively, shall sustain thereby, together with such Costs of Prosecution as shall be adjudged reasonable by the Justice before whom such Offender or Offenders shall be thereof respectively convicted; and in case immediate Payment of the respective Forfeitures, together with such Costs of Prosecution as aforesaid, shall be neglected or refused to be made, that then such Justice, or any other Justice of the Peace for the County, Riding, Division, City, Town, or Place, where such Offences shall be committed, shall cause the said Offenders respectively to be committed to the House of Correction, to be there kept to hard Labour for any Time not exceeding Three Months, nor less than One Month, as to such Justice shall seem reasonable; and also during the Time of such Offender or Offenders respective Commitment or Commitments, shall cause the said Offender or Offenders to be publickly whipped in the Market Town where such Offender or Offenders shall be respectively committed, at the Market-place or Cross of such Town once or oftner as to such Justice shall seem reasonable.

Manufacturers of Woollen, &c. embeziling Materials, to forfeit double Value;

or be sent to the House of Correction, and whipp'd.

For a second, or other future Offence, to forfeit four Times the Value,

or sent to the House of Correction.

and publickly whipp'd.

II. And be it further enacted by the Authority aforesaid, That every Person or Persons who from and after the First Day of May, One thousand seven hundred and forty, shall buy or receive, accept or take, by way of Gift, Pawn, Pledge, or Sale, of or from any or either of the Persons herein or in the said recited Act mentioned, any Woollen, Linen, Fustian, Cotton, or Iron Manufactures, either before or after the same shall be wrought, made up, manufactured, or converted into merchantable Wares, knowing the same to be so purloined or embeziled, and being thereof lawfully convicted in Manner before mentioned, he, she, and they shall severally suffer, and are hereby subjected to the like Forfeitures and Penalties respectively, as are by this or the said recited Act inflicted on Persons purloining or embeziling such of the Materials, or Manufactures enumerated or mentioned in the said before recited Act, or herein before in this present Act.

Receivers subject to the same Penalties.

III. And it is hereby further enacted and declared, That the Forfeitures mentioned and incurred by the said recited Act, and also the Forfeitures created or given by this present Act, shall from and after the said first Day of May, One thousand seven hundred and forty, when recovered, be applied in Manner following (that is to say) One Moiety thereof to the Use of the Party or Parties injured, and the other Moiety thereof to the Use of the Poor of the Parish only where the Offence shall be committed, with the like Liberty and Benefit of appealing to all Parties, as is given in and by the said recited Act of the first Year of her said late Majesty.

Forfeitures, half to the injured Person, and half to the Poor of the Parish.

IV. And whereas many Frauds and Abuses have of late been likewise committed by Persons employed in cutting out and manufacturing of Skins, Leather, and other Materials into Gloves, Breeches, Boots, Shoes, Slippers, and other Wares and Manufactures, by purloining, embeziling, secreting, selling, pawning, or exchanging such Skins, Leather, and other Materials, or in some other Manner, wherefore it is become necessary to make Provision for discovering, preventing, and punishing such Offences; and for the better regulating such Persons as are or shall be employed in the Premisses last mentioned, be it further enacted by the Authority aforesaid, That if from and after the said first Day of May, One thousand seven hundred and forty, any Person or Persons hired or employed, or to be hired or employed, in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of Gloves, Breeches, Leather, Skins, Boots, Shoes, Slippers, Wares, or other Goods or Materials to be made Use of in any of the Trades or Employments, or in Manner last mentioned, or in any Branch or Particular thereof, shall fraudulently purloin, embezil, secret, sell, pawn, or exchange all or any Part of the Gloves, Breeches, Leather, Skins, Parings, or Shreads of Gloves, or Leather, or other Materials, with which he, she, or they shall be intrusted to work up or manufacture, or shall purloin, imbezil, secret, sell, pawn, or exchange any Gloves, Breeches, Boots, Shoes, Slippers, or Wares, when made, wrought up, or manufactured, or do or wilfully permit any other Act, whereby to lessen the Value of such or any Part of such Gloves, Breeches, Leather, Skins, Parings, or Shreads of Gloves, or Leather, Boots, Shoes, Slippers, or other Wares last particularized, either before or after the same shall be respectively so made into Wares, and be thereof lawfully convicted by the Oath or Affirmation of the Master or Owner of such Goods or Wares, or any other credible Witness or Witnesses, or by the Confession of the Person or Persons charged with the Fact, before One or more Justice or Justices of the Peace for the County, Riding, Division, City, Town, or Place where

Workers in Leather to pay double the Damage of Imbezilment;

where such Offence shall be committed, or where the Party or Parties so charged shall reside or inhabit (which Oath or Affirmation such Justice or Justices is and are hereby impowered to administer and take) such Justice or Justices shall and may award the Person or Persons so offending, to make a reasonable and suitable Recompence and Satisfaction for every Offence, to the Parties respectively injured, for the Damage by them sustained, so as the same do not exceed double the Value of the Gloves, Breeches, Leather, Boots, Shoes, Slippers, Wares, Goods, or Materials, by such Offender or Offenders so purloined or embezzled, secreted, sold, pawned, or exchanged; one Half thereof to go to the Party or Parties grieved, and the other Half thereof to go and be applied to the Use of the Poor of the Parish or Place where such Offence shall be committed, together with the full Charges attending such Conviction, to be levied by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices by Distress and Sale of the Offender's Goods, rendering the Overplus upon Demand to the Owner; but if such Offender or Offenders shall not have Goods sufficient to answer for levying the Forfeitures and the Expences and Charges attending the Premisses, and shall also neglect or refuse immediately to pay the same, that then the said Offender and Offenders shall by like Warrant of such Justice or Justices last described be for every distinct Offence committed to the House of Correction, or other publick Prison of such County, Riding, City, Town, or Place, and there kept to hard Labour for the Space of Fourteen Days, and shall be there likewise whipped in such Manner as the said Justice or Justices shall order and direct; and in Case also of a subsequent Conviction for or on a second or any other such like Offence, the Person or Persons so offending for every second or other subsequent Offence, being thereof convicted in Manner before mentioned, shall forfeit four times the Value of the Damages which the Owner or Owners of such Materials, either before or after the same shall be respectively made up into Wares, shall sustain thereby, together with such Costs of Prosecution as shall be adjudged reasonable by the Justice before whom such Offender or Offenders shall be thereof respectively convicted; and in Case immediate Payment of the respective Forfeitures, together with such Costs of Prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for such Justice to commit the Offender or Offenders last described to the House of Correction, or other publick Prison, to be there kept to hard Labour for any Time not exceeding Three Months, nor less than One Month, as to such Justice shall seem reasonable; and also during the Time such Offender or Offenders respective Commitment or Commitments, shall cause the said Offender or Offenders to be publickly whipped in the Market Town where such Offender or Offenders shall be respectively committed, at the Market Place or Cross of such Town, once or oftner as to such Justice shall seem reasonable.

one Half to the Sufferer, the other to the Poor of the Parish;

to be levied on Offenders Goods;

or sent to the House of Correction for a Fortnight, and there whipp'd;

and for any subsequent Offence to forfeit four Times the Value,

or sent to the House of Correction, not exceeding Three Months, or less than one;

and be publickly whipp'd.

V. And be it further enacted by the Authority aforesaid, That every Person and Persons who shall knowingly or willingly, from and after the said First Day of May, One thousand seven hundred and forty, buy or receive, accept or take, by way of Pawn, Pledge, or Sale, or in any other Manner, of or from any or either the Persons offending in either of the Particulars in this Act last mentioned, or of or from any other Person or Persons whatsoever (except of or from the Person or Persons in whom the Property of such Gloves, Breeches, Leather, Boots, Shoes, Slippers, Wares, Goods, or other Materials shall be at the Time of such Sale, Pawn, or Exchange) or offer so to do, such Person or Persons offending therein respectively, shall for every Offence, being convicted thereof in Manner aforesaid, make such suitable and reasonable Recompence and Satisfaction within Two Days next after the Matter of Fact shall from time to time be determined by any One or more Justice or Justices as aforesaid, upon hearing the same (he and they being hereby in this respect also impowered so to do) or else be subject to such Distress, and for want of sufficient Distress to be liable to the like Punishment as is hereby directed to be inflicted on such Person or Persons as shall purloin, imbezil, secret, sell, pawn, or exchange any Gloves, Breeches, Leather, Boots, Shoes, Slippers, Wares, Goods, or other Materials or Effects of that Sort as aforesaid, and so in like Manner for any Second and every other subsequent Offence.

Receivers subject to the same Penalties.

VI. And to prevent Oppression of the Labourers and Workmen employed in any respect in or about making or manufacturing of Gloves, Breeches, Boots, Shoes, Slippers, Wares, or Goods of that Sort before mentioned; be it enacted by the Authority aforesaid, That from and after the said First Day of May, One thousand seven hundred and forty, all Payments and Satisfaction hereafter to be made to any such Labourers, Manufacturers, and Workmen, employed as aforesaid, for any Work by them done in and about such Manufactures, shall be in and of the lawful Coin of this Realm only, and not by any Victuals, Goods, or Commodities whatsoever, in lieu thereof (except at and by his and their Request and Consent only) and all Goods and Materials delivered out to be wrought up in the Manufacture last mentioned, shall be delivered with a Declaration at the same Time, of the true Weight, Quantity, or Tale thereof, on Pain that every Offender in either of the said Cases shall forfeit and pay to such Labourer, Manufacturer, or Worker, double the Value of what shall be due for such Work by him, her, or them done and performed; and if any such Labourer, Manufacturer, or Worker, as is last described, shall be guilty of any Fraud, Abuse, Neglect, or Default in the Work by him, her, or them undertaken to be done, then such Labourer, Manufacturer, or Worker shall allow and answer to the Owner of such Work double the Damages thereby sustained.

Workmen to be paid their Wages in Money;

but to suffer double Damages, if found guilty of Neglect, &c.

VII. And be it further enacted by the Authority aforesaid, That all Wages, Demands, Frauds, Abuses, Neglects, and Defaults of Labourers, Manufacturers, and Workers in the Trades last above mentioned, for or concerning any Work done in that Manufacture, shall and may be heard and determined by any Two Justices of the Peace of the County, Riding, Division, City, Town, or Place, where the Matter in Controversy shall happen or arise, who are hereby impowered to summon and examine Witnesses on Oath or Affirmation, concerning the same, which Oath or Affirmation the said Justices are to administer and take.

Complaints to be heard and determined by Two Justices.

VIII. And

Journeymen to perform the Business engaged in,

VIII. And for the better regulating the Journeymen and other Persons employed as Manufacturers or Workers in the Trade or Business last above mentioned; be it further enacted by the Authority aforesaid, That all and every Person and Persons who shall at any Time after the First Day of May, One thousand seven hundred and forty, be first retained or employed in the making up of any Gloves, Breeches, Boots, Shoes, Slippers, or other Wares as aforesaid, for any one Master, and shall neglect the Performance thereof, either by procuring or permitting himself to be subsequently retained or employed by any other Master or Person whatsoever, before he or they shall have compleated the Work or Service in or to do which he or they was or were first and originally so retained or employed, and shall be first delivered to him or them; then and in every such Case every Person so offending, being thereof lawfully convicted by the Oath or Oaths, Affirmation or Affirmations, of One or more credible Witness or Witnesses, before One or more Justice or Justices of the Peace, where the Offence or Offences shall be committed, the Person or Persons so convicted shall be sent to the House of Correction, there to be kept to hard Labour for any Time not exceeding One Month.

or be sent to the House of Correction for a Month.

Persons aggrieved may appeal to General Quarter Sessions;

IX. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall think him, her, or themselves aggrieved by any Judgement or Order of the said Two Justices, it shall and may be lawful for such Person and Persons to appeal from the Judgement, Order, and Determination of the said Two Justices, to the Justices of the Peace at their next General Quarter Sessions of the Peace, to be held for the same County, Riding, Division, City, Town, or Place, where the Matter in Dispute shall arise (giving Eight Days Notice of such Appeal to the Person or Persons against whom such Appeal shall be brought and prosecuted) and such Justices of the Peace, at their next General Quarter Sessions, are hereby impowered to summon and examine Witnesses on Oath or Affirmation (which Oath or Affirmation they are hereby impowered to administer and take) and to hear and finally determine the Matter of the said Appeal, and at such Quarter Sessions shall award and order to the Party on whose Behalf such Appeal is determined, such reasonable Costs and Charges to be paid by such Appellant, or by the Person or Persons appealed against, in Regard of such Appeal, as to the said Justices or the major Part of them shall seem meet; but no Order made by the said Two Justices of the Peace as aforesaid shall be appealed from, quashed, or vacated for Want of Form only.

giving Eight Days Notice.

Proviso.

X. Provided always, and it is hereby enacted and declared, That no Person shall by virtue of the said recited Act, or this Act, suffer the Punishments therein directed twice for one and the same Fact and Offence.

Act 1 *Annæ*, and this Act, to extend to *Scotland*.

XI. And be it further enacted by the Authority aforesaid, That the said recited Act passed in the First Year of the Reign of her late Majesty Queen Anne (and made perpetual as aforesaid) and this present Act, and all the Clauses, Provisions, Pains, Penalties, and Forfeitures therein and herein contained, shall from and after the First Day of May, One thousand seven hundred and forty, extend and be construed and adjudged to extend and be put in Force, in that Part of Great Britain called Scotland, in as full and ample Manner as the before mentioned Acts are to be put in Force and executed in that Part of Great Britain called England; and the Pains, Penalties, and Forfeitures, which shall be incurred by virtue of the before mentioned Acts, or either of them, shall be inflicted, levied, and taken in the same Manner, and by such Ways and Means, as the Pains, Penalties, and Forfeitures are in and by the before mentioned Acts or either of them directed, ordered, and appointed; and if any Offence against this Act shall be committed within that Part of Great Britain called Scotland, and determined by one or more Justice or Justices of the Peace, as herein before directed, no Warrant for poyndeing or distraining that shall be issued by any one or more Justice or Justices of the Peace, shall be stopped or sisted by any Suspension, Sist, or other Process whatsoever, except an Appeal entered to the Quarter Sessions of the Peace, as herein before directed.

CAP. IX.

An Act for repairing the Road between *Hockliffe*, in the County of *Bedford*, and *Stony Stratford*, in the County of *Buckingham*.

Preamble.

WHEREAS the ancient Road between the Town of *Hockliffe* in the County of *Bedford*, and the Town of *Stony Stratford* in the County of *Buckingham*, Part of the *Old Roman* Road between the Cities of *London* and *West Chester*, being in Length Fourteen measured Miles, by reason of many heavy Carriages passing through the same, is become so very ruinous and bad, that Horsemen, Coaches, Waggons, and other Carriages, cannot pass, especially in the Winter Season, without Danger: And whereas the ordinary Provision made by the Laws and Statutes of this Realm now in Force are not sufficient for the effectual repairing and amending the Road aforesaid, neither are the Inhabitants of the several Parishes and Townships, through which the said Road leads, of Ability to amend the same, in regard proper Materials for repairing the said Road, lie very deep, or at a great Distance from the same, *&c.*

CAP. X.

An Act for punishing Mutiny and Desertion; and for the better Payment of the Army and their Quarters.

CAP. XI.

An Act for the more effectual improving the Navigation of the River *Dun*, from a Place called *Wilsick-house*, in the Parish of *Barmby Dun* in the County of *York*, to *Fishlock Ferry* in the same County.

Preamble, reciting the Acts 12 *Geo.* I. *c.* 38.

WHEREAS by an Act of Parliament made and passed in the Twelfth Year of the Reign of his late Majesty King *George* the First, intituled, *An Act for making the River* Dun *in the West Riding of the County of* York *navigable, from* Holmstile *in* Doncaster *up to the utmost Extent of* Tinsley *Westward, a Town-*

ſhip within Two Miles of Sheffield, the Maſter, Wardens, Searchers, Aſſiſtants, and Commonalty of the Company of *Cutlers* in *Hallamſhire*, in the County of *York*, their Succeſſors and Aſſigns, are nominated and appointed Undertakers of the ſaid Navigation, with Power to make the ſaid River navigable at their own Expence from *Holmſtile* aforeſaid, up the ſaid River above *Holmſtile* to the utmoſt Extent of *Tinſley* Weſtward, and for making and erecting Wharfs and Warehouſes, Locks and Dams, and for making Towing-paths on the Banks of the ſaid River for the Haling of Veſſels with Men or Horſes, and for purchaſing Lands for the Purpoſes aforeſaid; and alſo ſuch Powers of taking Tonnage and Lock Dues, and other Sums of Money, as a Recompence for the Expence they ſhall be at in making the ſaid River navigable, as in the ſaid Act is mentioned: And whereas by another Act made in the Thirteenth Year of the Reign of his ſaid late Majeſty, intituled, *An Act for improving the Navigation of the River* Dun, *from a Place called* Holmſtile *in the Townſhip of* Doncaſter, *in the County of* York, *to* Wilſick Houſe, *in the Pariſh of* Barmby Dun, *in the ſaid County*, the Mayor, Aldermen, and Burgeſſes of the Borough of *Doncaſter*, in the ſaid County of *York*, their Succeſſors and Aſſigns, are nominated and appointed Undertakers of the ſaid laſt mentioned Navigation, and they are thereby impowered by themſelves, their Servants, Agents, Workmen, and Aſſigns, at their own Expence to make the ſame River paſſable with Boats, Barges, Lighters, and other Veſſels, at all Times in the Year, from a Place called *Wilſick Houſe* to *Holmſtile* aforeſaid, and to ſcour and cleanſe the ſaid River, and to make Ways and Bridges, Locks, Cuts, Dams, and exerciſe all ſuch other Powers and Authorities, as in and by the ſaid laſt mentioned Act are given and granted to them; and alſo to make Towing-paths on the Banks of the ſaid River for haling of Veſſels with Men or Horſes; and alſo to purchaſe Lands for the Purpoſes aforeſaid; and alſo to take Tonnage, Lock Dues, and other Sums of Money, as a Recompence for the Expences they ſhall be at in making the ſaid River navigable; and to exerciſe ſuch other Powers and Authorities as are mentioned in the ſaid laſt mentioned Act: And whereas by one other Act of Parliament made in the Sixth Year of the Reign of His preſent Majeſty King *George* the Second, intituled, *An Act to explain and amend Two Acts of Parliament, one made in the Twelfth, and the other in the Thirteenth Year of his late Majeſty's Reign, for making navigable the River* Dun *in the County of* York, *and for the better perfecting and maintaining the ſaid Navigation, and for uniting the ſeveral Proprietors thereof into one Company*; reciting (amongſt other Things) That for the better carrying on and compleating of the ſaid Navigation, it was found neceſſary that the Undertakers of both the ſaid Navigations ſhould be united into one Company and Copartnerſhip, and that all the Intereſt of the Undertakers of both the ſaid Navigations ſhould be divided into One hundred and fifty Shares, to be diſtributed unto and among the ſaid Two Corporations and others the Contributors to the ſaid Undertakings, in Proportion to the ſeveral Sums of Money by them reſpectively advanced towards carrying on both the ſaid Navigations: And it was by the ſaid laſt mentioned Act enacted, That the Powers and Authorities given and granted by the Two in part recited Acts, paſſed in the Twelfth and Thirteenth Years of his late Majeſty King *George* the Firſt, ſhould be veſted in the ſaid united Company, for the better carrying on, making, maintaining, and perfecting of the ſaid Navigation, as well above as below *Holmſtile*, according to the Rules and Orders in the ſaid Act made in the Sixth Year of the Reign of His preſent Majeſty are expreſſed, and ſhould for that Purpoſe be one Body Politick and Corporate by the Name of *The Company of Proprietors of the Navigation of the River* Dun; and by the ſame Name ſhould have perpetual Succeſſion, and ſhould have a Common Seal, and by that Name ſhould and might ſue and be ſued, and alſo ſhould have ſuch Powers and Authorities, as the ſaid Two Corporations, or either of them, were by the ſaid recited Acts of the Twelfth and Thirteenth Year of the Reign of his ſaid late Majeſty, or either of them, inveſted with, (except as in the ſaid Act of the Sixth Year of the Reign of His preſent Majeſty is excepted:) And whereas the ſaid Company of Proprietors of the Navigation of the River *Dun*, have (in Purſuance of the ſaid in Part recited Acts, and in putting in Execution the Powers and Authorities thereby reſpectively granted and given) laid out and expended the Sum of Twenty four thouſand Pounds and upwards, whereby they have made and perfected a good Navigation from the Town of *Rotherham*, upon the ſaid River, to *Wilſick Houſe*, in the Pariſh of *Barmby Dun*, in the ſaid County: And whereas the ſaid River *Dun* is already navigable and paſſable for Boats, Lighters, and other Veſſels, from *Wilſick Houſe* aforeſaid, to *Fiſhlock Ferry* in the ſaid County of *York*, Part of the Year; but in Time of neap Tides and dry Seaſons Boats cannot paſs on that Part of the ſaid River, to the great Hindrance and Prejudice of Trade: And whereas the improving of the Navigation of the ſaid River, and making the ſame navigable at all Times and Seaſons, will be very beneficial to Trade and advantageous to the Poor, and a great Encouragement to the Manufacturers of Iron, and convenient for the Carriage of Lead, Coals, Lime, Stone, Timber, and other heavy Goods, Wares, and Merchandizes to and from the Towns, and Parts adjacent or near to the ſaid River, and alſo to and from *Derbyſhire*, *Cheſhire*, *Lancaſhire*, and other diſtant Counties, and to and from *London*, and ſeveral other Parts of this Kingdom, and will very much tend to the employing, and the Increaſe of Watermen and Seamen, and be a Means to preſerve the Highways, and promote the publick Good of this Kingdom: **Wherefore may it pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Company of Proprietors of the Navigation of the River** Dun, **be, and are hereby appointed Undertakers of the ſaid Navigation; and they are hereby authorized and impowered, and ſhall have full Power and Authority, by virtue of this preſent Act, at their own Coſts and Charges, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to make the ſaid River** Dun **navigable, paſſable, and portable for Boats, Barges, Lighters, and other Veſſels, at all Times and Seaſons, from** Wilſick Houſe **in the Pariſh of** Barmby Dun, **to** Fiſhlock Ferry **in the ſaid County of** York; **and the ſaid Company of Proprietors of the Navigation of the River** Dun **for the Purpoſes aforeſaid ſhall have full Power and Authority by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to clear, ſcour, open, enlarge, ſtraighten, and deepen the ſaid River** Dun, **or any Goytes, Drains, or Sluices out of the ſame, and to dig or cut the Banks of the ſaid River, and to make any new Cuts, Trenches, or Paſſages for Water, Boats, or Veſſels, in, upon, or through the Lands adjoining or near to the ſaid River, as ſhall be convenient and proper for the Navigation and Paſſage of ſuch Boats and Veſſels as aforeſaid, and any way neceſſary for the more eaſy and better carrying on and effecting the ſaid Undertaking, or making of the ſaid River navigable for ſuch Boats and Veſſels as aforeſaid, be it the Soil or Ground of the King's moſt Excellent Majeſty, His Heirs, or Succeſſors, or of any other Perſon or Perſons, Bodies Politick or Corporate whatſoever: And alſo to cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, Mud, Quarries of Stone, or any**

13 *Geo.* I. *c.* 29

6 *Geo.* II. *c.* 9.

The Proprietors to make the River *Dun* navigable from *Wilſick Houſe* to *Fiſhlock Ferry in Com' York*,

by cleaning Drains, *&c.*

and cutting Trees, *&c.*

any other Impediment or Obſtruction whatſoever, which may any ways hinder the Navigation, either in ſailing, haling, towing, or drawing Boats and Veſſels, with Men or Horſes, or otherwiſe, upon the ſaid River, or upon any Cuts or Drains out of the ſame, or any new Cuts, Trenches, or Paſſages, ſo from time to time to be made on any Lands thereto adjoining, or to build, erect, and ſet up, and to make, in, over, or on the ſaid River and Lands adjoining, or near to the ſame, or over the ſaid new Cuts, Trenches, or Paſſages, ſo to be made, or any of them, ſo many Bridges, Sluices, Locks, Wears, Pens for Water, Stanks, Dams, Wharfs, Warehouſes, Keys, Landing-places, Weighbeams, Cranes, or other Works, Ways, and Privileges, as ſhall be neceſſary and convenient upon or near the ſaid River or Cuts, where the ſaid Company of Proprietors of the Navigation of the River Dun ſhall think fit, and from time to time, when, and ſo often as ſhall be proper and convenient, and to alter, rebuild, repair, and amend the ſame, and to have, make, and uſe neceſſary Ways, Paſſages, and other Conveniencies, for the carrying and conveying of any Goods, Wares, Merchandizes, and other Things, in, upon, to, and from the ſaid River, Wharfs, Landing-places, navigable Paſſages, Trenches, or Cuts; and for carrying and conveying all Manner of Stone, Brick, Timber, Gravel, Earth, Lime, and all Manner of Materials, for making, perfecting, compleating, and finiſhing the ſaid Navigation, and other neceſſary Works; and for rebuilding, altering, repairing, and amending the ſame, or any of the Works to be erected on the ſaid River, and to lay, make uſe of, and work the ſaid Materials on the Grounds near the Places where the ſaid Works or any of them are, or ſhall be made, erected, or done, and alſo to lay all Earth, Gravel, Sand, Roots, Rubbiſh, and other Things dug or taken out of the ſaid River or Cuts, in order to the carrying on, making, compleating, and preſerving of the ſaid Navigation, upon the Banks of the ſaid River, or Lands adjacent, or near the Places where the ſame ſhall be ſo dug or taken out; and to turn or alter any Highways, in, upon, or near the ſaid River, Cuts, Trenches, or Paſſages, ſo made or to be made as aforeſaid; and to pull down, demoliſh, or alter any Mill, Wear, or other Obſtructions, in, upon, or contiguous to the ſaid River, Cuts, or Paſſages, which may obſtruct or hinder the Navigation or Paſſage thereon; and to appoint and ſet out Towing-paths, Banks, and Ways for towing, haling, and drawing of Boats and other Veſſels with Men or Horſes paſſing in, through, and upon the River Dun, or the Cuts, Paſſages, or Trenches ſo made or to be made as aforeſaid, or any of them; and from time to time and at all Times hereafter to do all ſuch other Matters and Things neceſſary and convenient for carrying on, making, perfecting, maintaining, and continuing the Navigation and navigable Paſſages of the ſaid River, or of the Cuts made out of the ſame; or for carrying on the Improvement and Preſervation thereof, as the ſaid Company of Proprietors of the Navigation of the River Dun ſhall think neceſſary, doing as little Damage as may be, and firſt giving Satisfaction to the reſpective Owners and Proprietors of ſuch Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes as ſhall be pulled down, demoliſhed, altered, dug up, cut, removed, or otherwiſe made uſe of, for every or any the Purpoſes aforeſaid; or that in any wiſe ſhall be prejudiced or damaged, for, or by reaſon of carrying on, effecting, preſerving, maintaining, or continuing the ſaid Navigation; and alſo Satisfaction for all Damages that ſhall be done to the Ground, near the Place or Places where the ſaid Works, or any of them are, is, or ſhall be made, erected or done, by reaſon of carrying, laying, or working any Materials, Earth, Sand, Gravel, Roots, Rubbiſh, or other Things thereon, according to the true Intent and Meaning of this preſent Act, and as is herein after directed and appointed.

To ſatisfy all Damages.

II. And for the better effecting the Premiſſes, and due rating the Matters and Things for which Satisfaction ſhall or ought to be given, in caſe the ſaid Company of Proprietors of the Navigation of the River Dun cannot agree beforehand with the reſpective Owner and Owners of ſuch Mills, Lands, Wears, Tenements, Hereditaments, or Premiſſes as aforeſaid, concerning the ſame, be it enacted by the Authority aforeſaid, That the Moſt Noble Thomas Duke of Leeds, the Right Honourable Thomas Earl of Malton, the Right Honourable ——— Earl of Strafford, the Right Honourable Charles Earl of Portmore, the Right Honourable Henry Viſcount Irwin, the Right Honourable Thomas Hay Eſquire, commonly called Viſcount Dupplin, Sir Hugh Smithſon, Sir Miles Stapylton, Sir George Cooke, Sir John Ramſden, Baronets; John Ramſden, John Bright, Henry Frankland, Godfrey Wentworth, Charles Wilkinſon, Edward Wharton, Henry Brown junior, John Battie, Stanhope Harvey, Patience Ward, Wilkinſon Blanchard, George Huddleſton, Eſquires; John Fountayne, George Faville, Clerks; Anthony Wharton, John Agar, Thomas Sellwood, Anthony Hall, Richard Elliſon junior, Aaron Maw, John Maw junior, George Maw, Cornelius Stovin, Thomas Waterhouſe, Richard Bagſhaw junior, John Bagſhaw, Gamaliel Milner, Joſeph Clay, William Burton, Philip Gell, Joſeph Offley, Matthew Lambart, Joſeph Bright, Richard Sheppard, Tucker Tucker, William Buck, and Samuel Buck, Eſquires; or any Seven or more of them aſſembled together, in ſuch Manner as is herein hereafter mentioned and directed, ſhall be and are hereby conſtituted and appointed Commiſſioners for ſettling, determining, and adjuſting in Manner hereafter mentioned, all Matters about which any Difference ſhall or may ariſe between the aforeſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, or any of them, and the Proprietors, Owners, and Occupiers of any ſuch Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes; and they the ſaid Commiſſioners, or any Seven or more of them aſſembled together, are hereby authorized and impowered, and ſhall have full Power and Authority to mediate and determine all Differences between the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, and the reſpective Proprietors, Owners, and Occupiers of ſuch Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes, which ſhall be propoſed or intended to be pulled down, demoliſhed, cut, damaged, or made uſe of, as aforeſaid, for the carrying on or effecting the ſaid Undertaking, or which ſhall or may in any wiſe be prejudiced or damaged thereby or by reaſon thereof; and by Writing under their Hands and Seals to adjuſt, ſettle, and determine, with Conſent of the Parties concerned, what Satisfaction every ſuch Perſon or Perſons, Bodies Politick or Corporate, reſpectively ſhall have for ſuch Proportion of his, her, or their Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes

Commiſſioners Names.

Commiſſioners to determine Differences betwixt Undertakers and Proprietors of Mills, &c.

ſes as ſhall be cut, digged, made uſe of, prejudiced, or damaged, as aforeſaid, and for the Damage that ſhall be thereby ſuſtained; and to adjuſt and ſettle what Share and Proportion of ſuch Purchaſe Money, or Satisfaction, every Tenant or other Perſon, having a particular Eſtate, Term, or Intereſt in any of the Premiſſes, ſhall have or receive for his, her, or their reſpective Intereſts. And if it ſhall happen, that the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, for and on the Part and Behalf of themſelves, or that any other Perſon or Perſons, Bodies Politick or Corporate, for and on his, her, and their own Part and Parts, ſhall diſlike or be diſſatisfied with any ſuch Determination of the ſaid Commiſſioners, or any Seven or more of them, or ſhall decline ſuch Determination, or that any Perſon or Perſons, Bodies Politick or Corporate, upon convenient Notice given in Writing to the Head Officer or Officers of any ſuch Body, or any other Perſon or Perſons, upon convenient Notice given to him, her, or them, or to his, her, or their Tenant or Tenants in Poſſeſſion of the Lands, Mills, Wears, Tenements, Hereditaments, or Premiſſes, ſo intended to be cut, dug, uſed, damaged, or altered, as aforeſaid, ſhall by the Space of Twenty Days next after ſuch Notice as aforeſaid neglect or refuſe to treat, deal, and agree with the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, or through Diſability by Nonage, Coverture, or Special Tail, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for promoting the ſaid Navigation of the River Dun and other Works as aforeſaid; or by reaſon of Abſence ſhall be prevented from treating touching the Matters aforeſaid (except ſuch Abſence ſhall be occaſioned by his or their neceſſary Attendance upon either Houſe of Parliament) that then and in every ſuch Caſe the ſaid Commiſſioners, or any Seven or more of them, ſhall and are hereby authorized and impowered, from time to time to iſſue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff of the ſaid County of York for the time being; or in caſe ſuch Sheriff ſhall happen to be intereſted in the Thing or Matter in Queſtion, or any Ways related to any of the Parties intereſted or concerned therein, then to the Coroner or Coroners within the County of York, reſpectively commanding them to impanel, ſummon, and return a Jury; and the ſaid Sheriff, and the ſaid Coroner reſpectively, are hereby required accordingly to impanel, ſummon, and return a Jury of Twenty four able and ſufficient Freeholders, qualified according to the Laws and Statutes of this Realm to be returned for Trials at the Aſſizes for the County of York of Iſſues joined in His Majeſty's Court at Weſtminſter, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be appointed and directed, not being leſs than Nine Days after the Time ſuch Warrants ſhall be ſerved upon them reſpectively, or more than Twenty Days after ſuch Service; and alſo to return in Iſſues upon every Perſon ſo impanelled, ſummoned, or returned, the Sum of Forty Shillings; which in caſe of Default of Appearance of any Perſon or Perſons ſo impanelled, ſummoned, and returned, ſhall be duly eſtreated and levied upon ſuch Perſon or Perſons making ſuch Default, by the Sheriff of the County where the reſpective Perſons live, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, to the Uſe of the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns; and the Sheriff, Coroner, or Coroners ſhall reſpectively forfeit, for Default of making ſuch Return, the Sum of Fifty Pounds, and for every Perſon returned on any ſuch Panel not being qualified as aforeſaid the Sum of Fifty Pounds; which reſpective Forfeitures ſhall go to, and be for the Uſe of the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, of which Perſons ſo returned Twelve ſhall be ſworn before the ſaid Commiſſioners, to hear and try the Facts before them; and in caſe ſuch ſufficient Number of Jurymen do not appear, any ſuch Sheriff or his Deputy, Coroner or Coroners, in caſe of Diſability of any Sheriff or Sheriffs as aforeſaid, ſhall return other honeſt and indifferent Men of the Standers-by, ſo qualified as aforeſaid, or that can be ſpeedily procured of the ſaid County of York to attend that Service, to make up that Jury to the Number of Twelve, and all Perſons concerned, ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen; and the ſaid Commiſſioners or any Seven or more of them are hereby impowered by Warrant or Warrants under their Hands and Seals, from time to time as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon and Perſons whatſoever (except a Peer or Peereſs of Great Britain) as ſhall be thought proper, neceſſary, or convenient to be examined as a Witneſs or Witneſſes before ſuch Commiſſioners touching or concerning the Premiſſes; and alſo to order and authorize the ſaid Jury to view the Place or Places or Matters in Queſtion, as they the ſaid Commiſſioners or any Seven or more of them ſhall think fit; which Jury upon their Oaths after hearing ſuch Evidence as ſhall be given touching the Matter in Queſtion (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, or to be examined before the ſaid Commiſſioners, or any Seven or more of them, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to adminiſter) ſhall enquire of and aſſeſs ſuch Damages and Recompence, as they ſhall think juſt, to and for the reſpective Proprietors, Owners, Tenants, or Occupiers of any ſuch Mills, Wears, Lands, Tenements, Hereditaments, and Premiſſes, or any Part thereof which ſhall be prejudiced, damnified, uſed, cut, dug, altered, removed, or demoliſhed, by reaſon of making any ſuch Lock or Locks, Cut or Cuts, Ways, Wharfs, Warehouſes, or other Works as aforeſaid, or the doing any other Act or Thing, for making the River Dun more navigable, or for improving, compleating, or continuing the Navigation thereof, or for making ſuch Towing-paths, Ways, or Bridges as aforeſaid, or in reſpect of ſuch Loſs or Damage as any ſuch Proprietors, Owners, Tenants, Occupiers, or other Perſons ſhall or may thereby ſuſtain; and the ſaid Commiſſioners, or any Seven or more of them aſſembled together, ſhall give Judgement for ſuch Sum and Sums of Money, ſo to be aſſeſſed by ſuch Jury or Juries reſpectively, and ſhall upon Oath as aforeſaid, and by all other lawful Ways and Means, examine, hear, and finally determine all Manner of Differences, Controverſies, and Diſputes which ſhall ariſe between any Parties or Perſons whatſoever, touching or concerning any Matter or Thing relating to the aforeſaid Premiſſes, or any Part thereof; which ſaid Verdict or Verdicts, and the Judgement, Decree,

If the Undertakers are diſſatisfied with Commiſſioners Determination,

Sheriff or Coroners to impanel a Jury of Freeholders,

on Penalty of 50 l.

whoſe Verdict ſhall be final.

cree, or Determination thereupon declared and pronounced by the said Commissioners or any Seven or more of them assembled together, and the Value and Recompence so to be assessed and declared (Notice in Writing being first given of their Meeting at least Thirty Days before, declaring the Times and Places of their Meeting to every Person concerned, or being left at the Dwelling-house of such Party concerned, or at his, her, or their usual Place of Abode, with some Person belonging to his, her, or their Family, or with some Tenant or Occupier of such Lands or Tenements of such Parties near the said River, touching which such Controversies shall arise, in case such Party cannot be found out to be served with such Notice, or shall live above Fifty Miles from the Towns of Doncaster, Rotheram, and Thorne, in the said County of York) shall be binding and conclusive to all Intents and Purposes against the King's Majesty, His Heirs, and Successors, and against all and every Person and Persons, Bodies Politick and Corporate whatsoever, their Heirs, Successors, Administrators, and Assigns, having or claiming any Title or Interest in or to the said Lands, Tenements, Hereditaments, or Premisses, or any Part thereof, or any Interest or Title in, to, or out of the same, in Possession, Reversion, Remainder, Expectancy, or otherwise, as well Infants, Femes-covert, Tenants for Life or Years, or in Tail, as others, their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, under, or in Trust for him, her, or any of them; which said Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings of the said Commissioners, or any Seven or more of them, and the Juries, so made, shall be fairly written on Parchment or Paper, without any Stamps thereupon, under the Hands and Seals, of such of the said Commissioners, or any Seven or more of them, as shall make the same, and shall be transmitted to and be kept by the Town-clerk of the Borough and Soak of Doncaster, among the Records of the Quarter-sessions of the Peace for the said Borough and Soak of Doncaster; and that such Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings, to be Records of the said Quarter-sessions to all Intents and Purposes whatsoever; and the same, or true Copies thereof, shall be taken, adjudged, and deemed good and effectual Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same gratis, and take Copies thereof, paying for every Copy not exceeding One hundred Words, Six Pence, and so proportionably for every greater or less Number of Words: And that upon Payment of such Sum or Sums of Money assessed by such Commissioners, or any Seven or more of them, and Jury, or so agreed on as aforesaid, to the Party or Parties concerned, or legal Tender thereof made to him, her, or them respectively; and in case such Party or Parties cannot be met with, or shall refuse to accept of the same, then upon Payment thereof into the Hands of such Person or Persons, as the said Commissioners, or any Seven or more of them, shall under their Hands in Writing appoint, for the Use of the said Parties interested, as aforesaid, to be by such Person or Persons paid upon Demand to the Parties so interested, without Fee or Reward; it shall then, and not before or otherwise, be lawful to and for the said Undertakers, their Successors, Heirs, and Assigns, and to and for their Deputies, Agents, Workmen, and Servants, to remove, pull down, cut, dig, or use so much of the said Mills, Wears, Lands, Tenements, Hereditaments, or Premisses, for which such Satisfaction shall be so agreed, settled, assessed, and adjudged, or decreed, as aforesaid, and therein or thereupon to make, erect, and build such Work or Works, as the said Undertakers, their Successors, Heirs, or Assigns, shall think convenient, and to do any Matter or Thing for carrying on, making, compleating, supporting, or maintaining the said Navigation and Works in such Manner as shall be necessary and requisite, and to have, use, and enjoy the same to and for their own proper Use and Benefit; and this Act shall be sufficient to indemnify, as well the said Commissioners, as the said Undertakers, their Sucessors, Heirs, and Assigns, and all and every Person and Persons by them or any of them authorized or impowered therein, or acting by or under them, or by their Authority, against the said Proprietors, Owners, Tenants, or Occupiers, their Heirs, Successors, Executors, Administrators, or Assigns, and against all and every other Person or Persons, to all Intents and Purposes whatsoever.

Records unstamp'd, of Verdicts and Proceedings of Commissioners and Juries, to be kept by the Town-clerk of *Doncaster*, to be seen *gratis*; and deemed good Evidence in Law or Equity.

Copying Clerk's Fee.

On paying the Damages assessed,

Undertakers may pull down Mills, &c.

III. Provided always, and be it further enacted by the Authority aforesaid, That the said Undertakers, their Successors, Heirs, or Assigns, shall not take, cut, or meddle with any Lands, Hereditaments, or Premisses of any Person or Persons whatsoever, for carrying on, compleating, supporting, or maintaining the said Navigation, or making any such Cuts, Bridges, or Haling-ways, as aforesaid, until such Payment or Tender as aforesaid; except to survey, take a Level, or mark out the Ground, or other Matter or Thing intended to be used for the Purposes aforesaid, or some of them, which is hereby declared to be lawful for them from time to time and at any convenient Time and Times to do, they doing as little Damage as may be, and giving Notice to the Owner Proprietor, Tenant, Occupier, or Possessor of such Lands, Tenements, Hereditaments, or Premisses, of the Time of their coming to take such Survey, or to take such Levels, or to mark such Grounds, that the respective Owners, Proprietors, Tenants, Occupiers, and Possessors may be there present, if such Owners, Proprietors, Tenants, Occupiers, and Possessors respectively shall think fit, and making Satisfaction for all Damages which shall be done to any Grass or Corn then growing in any such Lands, by making such Survey, taking such Level, or marking such Ground, if such Damage shall exceed Six Pence.

Undertakers may survey, &c.

giving Notice to the Owner of the Land, &c.

and paying Damages, if exceeding 6 *d.*

IV. And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Seven or more of them acting in the Premisses, shall have full Power from time to time, to impose any reasonable Fine or Fines on any such Persons as shall be summoned and returned on the Juries aforesaid, refusing to be sworn on such Jury, or being sworn on such Jury shall refuse to give Verdict concerning the same, or who shall in any other Manner wilfully neglect their Duty therein, contrary to the Intent and Meaning of this Act; and likewise upon such Person and Persons (not being a Peer or Peeress of Great Britain) summoned as aforesaid to give Evidence, who shall neglect or refuse

Commissioners may fine Jurymen refusing to be sworn, or neglecting their Duty;

or Evidence refusing to appear.

ſuſe to appear at ſuch Time or Times, Place or Places, as ſhall be mentioned, appointed, and limited, for the Purpoſes aforeſaid, or appearing ſhall refuſe to be ſworn, give Evidence, or be examined by or before the ſaid Commiſſioners, or any Seven or more of them; and from time to time to eſtreat or levy on the Goods of any Perſon or Perſons offending in any Matter or Thing as aforeſaid, by Warrant under the Hands and Seals of ſuch acting Commiſſioners, or any Seven or more of them, to be directed to the Conſtable, Headborough, or other Officer of the Townſhip, Pariſh, or Places where ſuch Offender or Offenders ſhall live, reſide, or inhabit; which Conſtable, Headborough, or other Officer, is hereby authorized and required to execute the ſame, ſo as no ſuch Fine exceed the Sum of Forty Shillings; all which Fines and Forfeitures aforeſaid ſhall be, and the ſame are hereby directed to be, paid to the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, or to whom they ſhall appoint, to be employed towards carrying on, making, improving, and ſupporting the ſaid Navigation, and to no other Uſe or Purpoſe whatſoever.

Fines not to exceed 40 *s.* to be paid the Undertakers, and applied towards ſupporting the Navigation.

V. Provided always, and it is hereby declared and enacted, That no Perſon or Perſons whatſoever ſhall ſit or act as a Commiſſioner or Commiſſioners in any Caſe where he or they are in any wiſe directly or indirectly intereſted or concerned of or in the Matter or Matters in Queſtion; nor in any of the Caſes before mentioned, unleſs ſuch Commiſſioner or Commiſſioners is or are reſpectively ſeized, at the Time of ſuch ſitting or acting, of an Eſtate of Freehold or Copyhold, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds. And in Caſe any Commiſſioner ſhall ſit or act, not having ſuch Eſtate as aforeſaid, ſuch Perſon ſo ſitting and acting ſhall forfeit the Sum of One hundred Pounds, to be ſued for by Action of Debt, Bill, Plaint or Information, in any of His Majeſty's Courts of Record at Weſtminſter, or in any other Court of Record, in which Action no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed.

No Perſon ſhall act as a Commiſſioner, unleſs he has a Freehold Eſtate, *&c.* of the yearly Value of 100 *l.* on Penalty of 100 *l.*

VI. Provided alſo, and be it further enacted, That the ſaid Commiſſioners, and each of them, before he or they take upon him or themſelves the Execution of any of the Powers or Authorities hereby given to him or them (other than the adminiſtring the Oath following to one another, which they hereby reſpectively have Power to adminiſter to one another) ſhall take the Oath following, viz.

I *A. B.* ſhall and will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Commiſſioner appointed in Purſuance of an Act, intituled, *An Act for the more effectual improving the Navigation of the River* Dun, *from a Place called* Wilſick Houſe, *in the Pariſh of* Barmby Dun, *in the County of* York, *to* Fiſhlock Ferry *in the ſame County.*

Commiſſioners Oath.

Which Oath the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized and impowered to adminiſter at their firſt Meeting, or at any ſubſequent Meetings, in Purſuance of this Act.

VII. Provided always, That no Perſon or Perſons whatſoever ſhall be ſworn to ſerve on any Jury, or be examined as a Witneſs, where he or they are any Ways directly or indirectly intereſted or concerned in the Matter in Queſtion.

No Perſon intereſted to ſerve on the Jury.

VIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons, at any time ſince the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, have begun to make the River Dun navigable, or at any Time hereafter ſhall happen to ſuſtain any Damages or Injury in his, her, or their Lands, Grounds, Mills, Wears, Bridges, Hereditaments or Premiſſes (for which they ſhall have had no Recompence or Satisfaction by ſuch Agreement of the Parties, or Verdict and Judgement of the Commiſſioners, as aforeſaid) by any Act, Neglect, or Default of the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, or of their Deputies, Agents, Workmen, or Servants, or by Reaſon of any Alteration which ſhall be made by them, or any or either of them, on the ſaid River, Cuts, Trenches, or Paſſages to be made as aforeſaid, or any Banks thereof; then and in ſuch Caſe the ſaid Commiſſioners, or any Seven or more of them; ſhall enquire of and aſcertain ſuch Damages by a Jury to be impanelled and returned as aforeſaid, and give Judgement for the Party or Parties aggrieved, and record the ſame accordingly, in the very ſame Manner and Form as the Damages and Recompences are hereby appointed to be aſſeſſed and adjudged for any Mills, Wears, Lands, Tenements, Hereditaments, or Premiſſes which ſhall be any Ways made uſe of, cut, or damnified, in making navigable the ſaid River; and in Default of the Payment of ſuch Sum or Sums, as ſhall be aſſeſſed and awarded by the ſaid Commiſſioners, or any Seven or more of them, by a certain Day to be appointed by them, or any Seven or more of them, the ſaid Commiſſioners, or any Seven or more of them, ſhall and may by Warrant under their Hands and Seals authorize and impower ſuch Perſon or Perſons as they ſhall think fit, to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, or any of them, together with ſuch Coſts and Charges as the ſaid Commiſſioners, or any Seven or more of them, ſhall in ſuch their Warrant direct, rendering to the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, the Overplus upon Demand (if any ſuch be) or otherwiſe ſuch Party or Parties ſo aggrieved ſhall and may have a Remedy for ſuch Sum or Sums of Money ſo to be aſſeſſed, which ſhall not be paid according to the Judgement of ſuch Commiſſioners, or any Seven or more of them as aforeſaid, by Action of Debt in any of His Majeſty's Courts of Record at Weſtminſter, or in any other Court of Record, againſt the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, to recover the ſame with their Coſts and Damages.

Damages unſettled by Agreement of Parties, or Verdict of Commiſſioners, may be aſcertained by a Jury to be impanelled as before; whoſe Verdict ſhall be recorded. Damages unpaid, may be levied by Diſtreſs, or recovered by Action of Debt in any Court of Record at *Weſtminſter*, with Coſts.

IX. And in Caſe the Property, Intereſt, or Title of, in, or to any Lands, Tenements, Hereditaments, or other Matters (which may be damaged or affected by the carrying on of the Undertaking aforeſaid) ſhall be claimed by different Perſons, or ſhall be any ways in Diſpute or Controverſy in any Cauſe or Cauſes depending in any Court or

If Titles to Lands are in Diſpute,

and Claimants disagree with the Undertakers in rating Satisfaction for Damages,

Commissioners on Jury (or giving Notice) may proceed to Judgement.

Courts of Law or Equity; and in Case the said Claimants do not agree with the said Undertakers, in rating the Satisfaction which ought to be given for the said Damages, or the Commissioners above named shall not be able by their Mediation, with the Consent of all the Claimants, to determine the said Satisfaction, be it enacted by the Authority aforesaid, That all such Person or Persons claiming any Property as aforesaid, shall have such Notice of any thing to be done by the said Commissioners, or Jury, of or concerning the said Damages, as is herein before directed to be given to the Proprietors, Owners, Tenants, or Occupiers of such Lands, Tenements, or Hereditaments; and that the Judgement to be given by the Commissioners shall not be binding upon any Claimant, who had no such Notice given him, in Case upon the Determination of his Claim he shall appear to have been interested in the said Lands, Tenements, or Hereditaments, so to be damaged as aforesaid.

Satisfaction immediately paid after legal Determination.

X. And be it further enacted, That any Determination or Judgement of the said Commissioners shall not affect the Title of any of the Claimants, either to the Things so by them claimed, or to the Satisfaction to be made for the Damages to be done thereto; but they shall be at Liberty to proceed to get such their Claims determined in the same Manner as if this Act had not been made; and that as soon as the Satisfaction to be made for such Damages shall be ascertained as aforesaid, be it enacted by the Authority aforesaid, That such Satisfaction shall be paid into the Hands of such Person or Persons as the said Commissioners, or any Seven or more of them, shall by a Writing under their Hands appoint, for the Use of such Person or Persons who shall appear to be intitled thereto upon a legal Determination of such their Claims, to be paid to such Person or Persons immediately after such Determination.

Manner of improving the Navigation.

XI. And whereas it is apprehended that the making of any Cut or Cuts out of the said River *Dun*, on the North Side thereof below *Wilsick House*, may be prejudicial to the neighbouring Lands and Estates, by subjecting them to Floods; be it therefore further provided and enacted by the Authority aforesaid, That nothing in this present Act contained shall extend, or be construed to extend, to impower the said Undertakers, their Successors, Heirs, Assigns, Deputies, Workmen, or Servants, to make any Cut or Cuts on the North Side of the said River, between Wilsick House and Fishlock Ferry, or to authorize or impower them, or any or either of them, to make and perfect the said Navigation in any other Manner than what is hereafter expressed and declared; that is to say, By deepening a Channel in the said River, from Fishlock Ferry to below Stainforth Ford, and to make one Cut and Lock on the South Side of the said River sufficient for Boats, Barges, Lighters, and other Vessels, to pass the Fords and Shallows at Stainforth and Bramwith, and to make a Dam not exceeding Twenty Inches high from the Surface of Low-water Mark above the Twenty Acres Drain which is above Bramwith upper Ford, and from thence to deepen a Channel in the River up to Wilsick House.

XII. And it is hereby provided and enacted by the Authority aforesaid, That the said Undertakers, their Successors, Heirs, or Assigns, shall not have any Power, by virtue of this Act, to contract or straiten the River between the lower End of the Cut at Barmby Dun and Fishlock Ferry.

XIII. And it is hereby further declared and enacted by the Authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, to give the said Undertakers, their Successors, Heirs, or Assigns, any Power or Powers whatsoever, in or out of the River below the lower End of the said intended Cut or Stainforth, except to deepen and cleanse the Channel in the said River, and to make Haling-ways on the South Side of the said River, from the lower End of the said Cut at Stainforth to Fishlock Ferry; and that the said Undertakers, their Successors, Heirs, and Assigns, shall and they are hereby obliged to carry all such Earth or Rubbish as shall be dug or taken out of the said River, in cleansing and deepening of the same, to the Highwater Mark of the highest Spring Tides.

Dam above *Bramwith* upper Ford, to be raised 20 Inches from Low-water Mark.

XIV. And to prevent the raising of the Dam to be made above Bramwith upper Ford to too great a Hight, whereby it may be prejudicial to the adjacent Lands, be it further provided and enacted by the Authority aforesaid, That if the Undertakers, their Successors, Heirs, or Assigns, Deputies, Workmen, or Servants, do at any time hereafter raise the said Dam to above Twenty Inches high from the Surface of Low-water Mark, it shall then be lawful for the Commissioners of Sewers for the Level of Hatefield Chase for the time being, or any Six or more of them, or in case there shall happen to be no Commission of Sewers for the said Level of Hatefield Chase subsisting, then for any Three or more Justices of the Peace for the West Riding of the said County of York, to reduce the said Dam to the Hight of Twenty Inches from the Surface of Low-water Mark, at the Expence of the said Undertakers, their Successors, Heirs, and Assigns.

Banks to defend low Grounds from Damages to be raised at the Charge of the Undertakers.

XV. Provided always, and it is hereby further enacted, That in case by making of the said Dam or other Works to be made or done by the said Undertakers, their Successors, Heirs, or Assigns, any Lands or Grounds shall be more overflown with Water than before the making the said Dam or other Works, that then the said Undertakers, their Successors, Heirs, and Assigns, shall from time to time, and so often as shall be requisite, at their proper Costs and Charges raise the Banks of the said River, of such Grounds as shall be so overflown, in such Manner as the said Commissioners on Complaint to them made shall direct.

Undertakers shall make a Clough under the Cut of such Dimensions as *R. Portington*, &c. shall direct,

XVI. And whereas a Cut is intended to he made cross the principal Drain of the Township of *Barmby Dun*, and it will be necessary to convey the Water running down the said Drain by a Clough or Fox to be made under the said Cut into the River; be it therefore enacted, That the Undertakers of the said Navigation, their Successors, Heirs, or Assigns, shall make a Clough or Fox under such Part of the said Cut, and of such Dimensions, as Roger Portington, Wilkinson Blanchard, Esquires, and Francis Simpson of Fishlock, Gentleman, or any Two of them, shall direct and appoint; and such Clough or Fox so to be made shall from time to time and at all

all Times be repaired and maintained by the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns.

XVII. And whereas a Cut is intended to be made on the South Side of the ſaid River *Dun*, for Veſſels to paſs by the Ford and Shallows of *Bramwith*, which Ford is the only Highway that the Land-holders and Inhabitants of *Barmby Dun* have to many Hundred Acres of Land in the Pariſh of *Barmby Dun*, which lie on the North Side of the ſaid River *Dun*; be it therefore further enacted by the Authority aforeſaid, That the Undertakers of the intended Navigation, their Succeſſors, Heirs, and Aſſigns, ſhall be and they are hereby obliged and directed to build and erect, or cauſe to be built and erected, at their own Expence, a good and ſubſtantial Bridge croſs the ſaid intended Cut, at ſuch Place as Roger Portington, Wilkinſon Blanchard, Eſquires, and Francis Simpſon Gentleman, or any Two of them ſhall appoint, and ſufficient for Carts and Carriages to paſs over the ſame, ſo that the Land-holders and Inhabitants may enjoy the Benefit of a Way over the ſaid Ford, and other Conveniencies, in as ample a Manner as heretofore hath been had or uſed, and from and after the finiſhing of the ſaid Bridge, the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, ſhall for ever repair, maintain, and rebuild the ſame, when and ſo often as there ſhall be Occaſion.

and build a Bridge croſs the ſaid Cut for Carts and Carriages,

XVIII. And whereas a Cut is intended to be made near the Garden and Orchards now belonging to *William Simpſon* Eſquire, of *Stainforth*, but the ſame being a Sandy Soil may be ſubject to run into the River when cut; now to prevent the ſame, be it enacted by the Authority aforeſaid, That the Undertakers of the ſaid Navigation, their Succeſſors, Heirs, or Aſſigns, ſhall make a Wall on the South Side of the intended Cut, againſt the Orchards, Gardens, and Crofts, now belonging to the ſaid William Simpſon, and ſuch Wall ſo to be made ſhall from time to time and at all times be upheld and maintained by the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns.

and make a Wall againſt the Orchards, &c. belonging to *W. Simpſon*, and keep the ſame in Repair.

XIX. And whereas the Ford, commonly called *Stainforth Ford*, is often ſubject to break up by the Quick-ſands, ſo that it is hazardous for ſuch Perſons and Carriages as have Occaſion to paſs the ſame; and in order to carry on and perfect the intended Navigation by the ſaid Ford, it is neceſſary to cut or make uſe of ſome Common or waſte Grounds lying in *Bramwith Marſh*; Now to the End that a ſufficient Bridge for Carriages may be built over the ſaid River at the ſaid Ford called Stainforth Ford; be it further enacted by the Authority aforeſaid, That the Undertakers of the intended Navigation, their Succeſſors, Heirs, and Aſſigns, ſhall be, and they are hereby obliged and directed to build and erect, or cauſe to be built and erected, at their own Expence, a good and ſubſtantial Wood Bridge croſs the ſaid River at Stainforth Ford aforeſaid, to be approved of by the Right Honourable Henry Lord Viſcount Irwin, Edward Melliſh, William Wrightſon, and William Simpſon, Eſquires, Mordecai Cutts, Abraham De La Pryne, and Robert Hopkinſon, Gentlemen, or any Three or more of them; and from and after the finiſhing and compleating of the ſaid Bridge, the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, ſhall for ever hereafter repair, maintain, and ſupport the ſaid Bridge, and rebuild the ſame ſo often as Occaſion ſhall require.

Undertakers to build a Wood Bridge croſs *Stainforth Ford* and maintain the ſame.

XX. And whereas the Right Honourable *Henry* Lord Viſcount *Irwin*, the Lord of the Manor of *Hatefield*, is now ſeized of a Ferry croſs the ſaid River at *Stainforth* aforeſaid, and intitled to a Toll for paſſing the ſame; which Ferry by the building of the ſaid Bridge will become uſeleſs, to the Prejudice of the ſaid Viſcount, his Heirs, and Aſſigns; it is hereby enacted, That the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns ſhall, before the erecting of the ſaid Bridge herein before directed to be built at Stainforth Ford aforeſaid, agree with the ſaid Viſcount, his Heirs, or Aſſigns, touching ſuch Damages as ſhall or may be ſuſtained by the Loſs of the ſaid Ferry; or in Default thereof, ſuch Damages, and the Satisfaction to be made for the ſame, ſhall be aſcertained and determined by and before the ſaid Commiſſioners, in ſuch Manner and Form as is herein before provided touching the Determination of other Matters to be in Difference between the ſaid Undertakers and Proprietors, Owners, and Occupiers of Mills, Wares, Lands, Tenements, or Hereditaments; and ſuch Money or other Satisfaction as ſhall be ſo agreed or determined to be made or paid to the ſaid Viſcount, his Heirs, or Aſſigns, ſhall be ſo made or paid to him and them, before the building of the ſaid Bridge.

Undertakers to indemnify Lord Viſcount *Irwin*, for Damages he may ſuſtain from their building the Bridge.

XXI. And whereas the ſaid Undertakers, their Heirs, and Aſſigns, are impowered by this preſent Act to make one Cut and Lock on the South Side of the ſaid River, ſufficient for Boats, Barges, Lighters, and other Veſſels to paſs the Fords at *Stainforth* and *Bramwith*, through a Common or waſte Ground, commonly called *Bramwith Marſh*, the Property of which, with other Waſte and common Grounds in the Manor of *Hatefield*, are now in Controverſy in a Suit depending by *Engliſh* Bill in the Court of Exchequer, between *William Simpſon*, *Richard Elliſon* (one of the Proprietors, and a Farmer of the ſaid Navigation) and others, Complainants, and the Lord Viſcount *Irwin*, Lord of the ſaid Manor of *Hatefield*, and others, Defendants; it is hereby declared, and be it enacted by the Authority aforeſaid, That nothing in this preſent Act be conſtrued to determine the ſaid Waſtes or common Grounds, wherein ſuch Lock or Cut ſhall be made, or other the Waſtes or common Grounds of the ſaid Manor of Hatefield, to be the Property of any Perſon or Perſons now claiming Title thereunto; but that the ſame ſhall be and remain the Property of ſuch Perſon or Perſons as now is, or are, or may, or ſhall be hereafter intitled thereunto, as fully and effectually to all Intents and Purpoſes, as if this Act had never been made; and alſo that the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns ſhall at all times hereafter be ſubject to make ſuch Satisfaction for all or any Part of ſuch Waſte or common Grounds called Bramwith Marſh, to the Right Honourable the Lord Viſcount Irwin, his Heirs, and Aſſigns, in caſe the ſame ſhall be hereafter decreed or found or otherwiſe determined to belong to him or them, in ſuch Manner as the Commiſſioners who are authorized and impowered as aforeſaid by this Act, or any Seven or more of them, ſhall order and direct: But in regard that the building of the Bridge croſs the River of Stainforth Ford will be of manifeſt Uſe and Benefit to the Inhabitants claiming a Right to the ſaid Marſh; be it further enacted by the Authority aforeſaid, That no Sort of Conſideration or Recompence ſhall be paid or made by the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, for the Damage or Waſte to be done or made in or upon the ſaid Marſh, in making the ſaid Cut, or the Banks thereof, in caſe the aforeſaid Premiſſes called Bramwith Marſh, ſhall either in the aforeſaid or any

This Act ſhall not fix the Property of *Bramwith Marſh*, now in Diſpute,

but if decided in Lord *Irwin*'s Favour, he ſhall be indemnified all Damages;

but not the Inhabitants.

any other Suit or Action now depending, be decreed or found or otherwise determined to be in the said Inhabitants, or that they have a Right and Title thereto.

Undertakers, &c. to stand seized of 25 Acres of Marsh, if Suit be determined in Favour of Inhabitants.

XXII. And inasmuch as the repairing and maintaining of the said Bridge, will be attended with a very large Expence; be it further enacted, That in Case it shall be found, decreed, or determined, that the said Inhabitants have a Right to the said Marsh, that then from and immediately after such Decree or Determination the said Undertakers and their Successors shall stand and be seized to the Use of themselves and their Heirs and Assigns for ever, of and in so much of the said Marsh as shall lie between the said intended Cut when made, and the said River Dun, as shall not exceed Twenty five Acres Statute-measure; and in case so many Acres shall not be found there, then and in such case the said Undertakers and their Successors shall immediately from and after the Time aforesaid stand and be seized, to the Use of themselves, and their Heirs, and Assigns, for ever, of and in so much and such Quantity of the said Marsh, as shall lie on the South Side of the said intended Cut when made, as shall, with that Part of the said Marsh as shall lie betwixt the said intended Cut when made, and the said River, make up and be in the whole full Twenty five Acres.

Undertakers may make Towing-paths, &c.

XXIII. And whereas it will be necessary in some Places to hale and tow up and down the said River, Boats and other Vessels, by the Strength of Men, Horses, Engines, and other Means convenient for that Purpose; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Undertakers, their Successors, Heirs, and Assigns, and their Agents, Workmen, Servants, Helpers, and Assistants, to make Towing-paths for them, and the Boatmen and Watermen passing or navigating in or upon the said River, or in or upon any Cuts, Streams, or Passages which shall be made Use of as aforesaid; and to set up Winches or other Engines in convenient Places, and by and with the same, by Strength of Men, Horses, or Beasts, going upon the said Banks or Lands near the said River, Streams, Cuts, or Passages, in a convenient Manner, without the Hindrance, Trouble, or Interruption of any Person or Persons whatsoever, to draw, hale, or tow up and down the said River and Cuts, Keels, Boats, Lighters, or other Vessels.

but not on the South Side of the River.

XXIV. Provided always, That nothing in this Act contained shall extend to give any Power to the said Undertakers, their Successors, Heirs, and Assigns, to make any Towing or Haling Paths for drawing of Boats, Barges, Lighters, or other Vessels on the South Side of the said River hereby intended to be made navigable, between Stainforth Ford and Bramwith Marsh.

Undertakers may set up convenient Gates in the Towing-paths;

and build Bridges over the new Cuts, for the Use of Occupiers of Lands,

to be ordered by the Commissioners.

XXV. Provided always, and be it further enacted by the Authority aforesaid, That the said Undertakers, their Successors, Heirs, and Assigns, shall at their own Costs and Charges make, set up, and from time to time maintain convenient Gates and Bridges, Passages and Stiles, in and over all the Hedges, Ditches, and Fences in the Towing-paths and Ways where they shall find the same to be wanting to be set up as aforesaid; and also shall from time to time make, repair, and maintain sufficient Bridges over the new Cuts, Trenches, and Passages for Water so to be made, where the same shall be necessary, for the Use of the Occupiers of the Lands, Tenements, Hereditaments, and Premisses thereunto adjoining, so that they may go to and from their Lands, for the Use and Occupation thereof, in such Manner as the said Commissioners, or any Seven or more of them shall from time to time order and direct, and shall not demolish or destroy any Bridge or Bridges which shall be over the said River, until such Time as they the said Undertakers, their Successors, Heirs, or Assigns, shall first at their own Costs and Charges have made and perfected such other Conveniencies for passing over the said River, near such Places as shall be proper and convenient to pass over the same, as the said Commissioners or any Seven or more of them shall adjudge proper; Notice being first given to all the Commissioners who shall be then residing within Thirty Miles of the Towns of Doncaster and Thorne, and also leaving Notice with the Clerks belonging to the said Undertakers, their Successors, Heirs, and Assigns, at their publick Offices at Thorne and Tinsley, of the Time and Place of the Meeting, to adjudge and determine of and concerning such Conveniencies to be made as aforesaid, at least Thirty Days before such Meeting; and all such Bridges and other Conveniencies so to be made shall from time to time be erected, made, and maintained in good and sufficient Repair by the said Undertakers, their Successors, Heirs, and Assigns.

Notice to be given 30 Days before Commissioners Meeting.

XXVI. And whereas the said Undertakers, their Successors, Heirs, and Assigns, will be at great Charges and Expences in making the said River navigable, and also in improving, repairing, and keeping the same fit for such Navigation as aforesaid; be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Undertakers, their Successors, Heirs, and Assigns, and no other Person or Persons, from time to time and at all Times hereafter to ask, demand and receive, recover and take, of and from all and every Person and Persons who shall carry or convey, or cause to be carried or conveyed, any Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, up or down the River Dun, through the lower End of the Cut at Barmby Dun, and by or through the Cut and Lock intended to be made to pass by the Fords at Bramwith and Stainforth, such Duty, Tonnage, Sum and Sums of Money, as the said Undertakers, their Successors, Heirs, and Assigns shall think fit, so as such Duty and Tonnage do not exceed the Sum or Sums hereafter particularly expressed; that is to say, For every customary Ton of Coals and Bark, Lime, Stone, Wood, and Timber of English Growth, the Sum of Two Pence; for all other Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, which shall be carried or conveyed up or down the River Dun, through the lower End of the Cut at Barmby Dun, and by or through the Cut and Lock intended to be made to pass by the Fords at Barmwith and Stainforth, the Sum of Four Pence for every customary Ton, which is hereby declared to be Twenty five hundred Weight, of such Goods, Wares, and Merchandizes, as aforesaid; and so in Proportion for every greater or less Quantity; and the said several and respective Rates and Duties shall be paid at such Place and Places near the River Dun, and in such Manner, as the said Undertakers, their Successors, Heirs, and Assigns shall direct and appoint.

Particulars of the Toll.

XXVII. Provided

XXVII. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That all Goods and Commodities, of what Nature or Kind soever, of the natural Growth and Produce of the Neighbourhood between Goole, and the lower End of the Cut at Barmby Dun, which shall be shipped or put on Board any Vessel between Goole and the lower End of the Cut at Barmby Dun, not having before been water-borne, and which shall be carried or conveyed on the River Dun, above the lower End of the Cut at Barmby Dun, shall be and the same are hereby respectively exempted from paying the Duty or Duties charged by this Act, or any Part thereof. Goods of the neighbouring Growth, between *Goole* and the lower End of *Barmby Dun*, exempted.

XXVIII. Provided also, and be it further enacted by the Authority aforesaid, That all such Goods, Wares, and Merchandizes, Coals, Lime, Stone, and all other Things whatsoever, which shall be carried or conveyed down the River Dun, and pass the lower End of the Cut at Barmby Dun, and shall be landed from any Boat or Vessel between the lower End of Barmby Dun Cut and Goole (and not shipped again) shall not be chargeable with, or liable to pay the Duty or Duties charged by this Act, or any Part thereof; but if any such Goods, Wares, and Merchandizes, so carried, conveyed, and landed, as aforesaid, shall at any Time after such Landing be again re-shipped, the same shall be and are hereby made chargeable with the Duties hereby laid, and shall pay the same according to the Directions of this Act: And in case any Owners or other Persons shall re-ship any Goods, Wares, Merchandizes, Coals, Lime, Stones, or any other Things, such Owners and other Persons concerned in re-shipping thereof, shall and they are hereby respectively obliged and directed to enter the same, and the Names, Descriptions, and Weights thereof, with the Collectors of the Duties laid and made payable by this Act; and if such Owners or Persons concerned in re-shipping such Goods, Wares, Merchandizes, Coals, Lime, Stones, or any other Things, shall neglect or refuse to enter the same in Manner as aforesaid, or shall neglect, refuse, or deny to give such Account, or shall give a false or imperfect Account, they shall forfeit and pay to the said Undertakers, their Successors, Heirs, and Assigns, the Sum of Forty Shillings for every Ton Weight of Goods which shall be re-shipped and not entered as aforesaid: And in case of any Neglect or Denial of Payment of the said Forfeiture or Duty on Demand, or any Part thereof, to the said Undertakers, their Successors, Heirs, or Assigns, or the Collectors of such Duty, the said Undertakers, their Successors, Heirs, and Assigns, shall have such Remedy for recovering and levying the same, as is and are in and by this present Act prescribed and given for recovering and levying any Penalties and Forfeitures hereby laid and incurred. Goods landed in the Neighbourhood, to pay no Duty; unless shipped again. Goods re-shipped, to be entered with the Collectors. Penalty for not entering, and on Denial, to be levied as other Penalties before described.

XXIX. Provided also, and be it further enacted by the Authority aforesaid, That all such Goods, Wares, and Merchandizes, Coals, Lime, Stone, and all other Things whatsoever, being the Property of or belonging to the Inhabitants of the Town of Doncaster, or the Inhabitants of the Country between Doncaster and Goole, which shall be put on Board or landed from any Boat, Keel, Barge, Lighter, or other Vessel navigating upon the said River Dun, and which shall go through the intended Cut to be made to pass Stainforth and Bramwith Fords, shall be charged and chargeable only with the Duty of Two Pence per Ton by virtue of this Act, and no more than Two Pence per Ton shall be demanded and taken by the Undertakers for making the said River navigable from Wilsick House to Fishlock Ferry aforesaid, or by any Agent or Person employed by them to collect and receive the said Duties granted by Virtue of this Act; any thing herein before contained to the contrary thereof in any wise notwithstanding. Inhabitants of *Doncaster*, &c. to pay 2 *d. per* Ton.

XXX. Provided also, and be it further declared, That all Corn and Grain, of what Nature or Kind soever, which shall be put on Board any Keel, Boat, Barge, Lighter, or Vessel below Doncaster Mill-dam, in the Borough of Doncaster in the said County of York, in order to go down the said River Dun, shall be and the same are hereby exempted from paying any the Duties charged or chargeable by Virtue of this present Act, or any Part thereof. Grain of any Kind, carried down the River *Dun*, to pay no Duty.

XXXI. And for the more easy collecting the said Rates and Duties hereby laid and directed to be paid; be it further enacted by the Authority aforesaid, that the Masters, Owners, and Managers of every Boat, Keel, and other Vessel navigating upon the said River, or on any Part thereof, shall give a just Account in Writing signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Keel, or other Vessel, to the Collectors of the said Tonnage or Duties at the Place or Places where they shall be or attend for that Purpose, of what Quantities of each Sort of Goods shall be in or belonging to each Boat, Keel, and Vessel, from whence and from whom such Master, Owner, or Person having the Rule or Command of such Boat, Keel, or other Vessel, brought such Goods, and where they intend to land the same; and in Case they neglect or refuse to give such Account, or shall give a false Account, or shall deliver any Part of their Loading or Goods at any other Place or Places contrary to what is mentioned in such Account, they shall forfeit and pay to the said Undertakers, their Successors, Heirs, and Assigns, Forty Shillings for every Ton of Goods which shall be in such Boats, Keels, or Vessels respectively, or delivered out as aforesaid, over and above the respective Rates and Duties they are obliged to pay for the same; and in Case of Neglect, Refusal, or Denial of such Payment, on Demand of such Forfeiture or Forfeitures, or of such several and respective Rates and Duties, Forfeiture or Forfeitures before mentioned, or any Part thereof, to the said Undertakers, their Successors, Heirs, or Assigns, that then and in such Case they the said Undertakers, their Successors, Heirs, and Assigns, shall and may sue for the same, by Action of Debt, or upon the Case, in any Court of Record, in which Action or Actions no Wager of Law shall be allowed, nor above one Imparlance, or shall or may make Stay of, distrain, and detain any Goods, Boats, Keels, or Vessels, wherein such Goods or other Things are carried, for which the said Rates and Prices and other Payments as aforesaid are hereby directed to be paid, until due Payment thereof, together with reasonable Charges for taking and detaining such Distress; and if such Distress shall not be redeemed within Four Days after the taking thereof, the Person distraining may, with the Constable, Headborough, or Masters of Boats &c. to give an Account in Writing to the Collectors, of the Particulars of the Goods &c. on Penalty of 40 *s. per* Ton, to the Undertakers.

other Officer of the Place where such Distress shall be taken (who is hereby required to be aiding and assisting therein) cause the said Goods, Boats, Keels, and Vessels, or some Part thereof, to be appraised by Two sworn Appraisers to be appointed by such Constable, Headborough, or other Officer, who is hereby impowered to swear them to appraise the same truly and indifferently according to the best of their Judgements; And after such Appraisement, shall and may sell the same, or any Part thereof, for Satisfaction of such Rate and Duty and other Payments, with the Charge of such Distress, Appraisement and Sale, leaving the Overplus (if any be) in the Hands of the Constable, or other Officer, for the Owner's Use.

A Bridge to be built at *Stainforth*.

XXXII. Provided always, and it is hereby declared, That nothing in this Act contained shall extend to give any Power to the said Undertakers, their Successors, Heirs, or Assigns, to ask, demand, or take any of the Lock Dues by this Act granted and made payable, until they shall have built and finished a Bridge at Stainforth aforesaid, and also have compleated the Navigation of the said River Dun, from Wilsick House to Fishlock Ferry aforesaid.

Management of the Locks.

XXXIII. Provided, and be it further enacted by the Authority aforesaid, That no Boatman or his Agents, or Servants, navigating any Boat, Keel, or Vessel upon the River Dun, and passing with any Boat, Keel, or Vessel through any Lock upon the said River, or any of the Cuts out of the same, shall suffer the Water to remain in the Lock longer than is necessary for his Boat, Keel, or Vessel to pass through any such Lock, and in coming down the said River shall shut the lower Gates of such Lock, before he or they shall draw the Cloughs of the upper Gates thereof; and after he or they shall have brought his or their Boat, Keel, or Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said River shall, so soon as he or they shall have passed with his or their Boat, Keel, or Vessel out of the said Lock, shut the upper Gates of the said Lock, and after draw the Cloughs of the lower Gates, unless there shall be then a Boat, Keel, or Vessel in Sight of the said Lock, coming down the said River; and every Person and Persons opening any Gate or Gates in the haling Paths on the said River, or on the Banks of any Cuts made out of the same, shall and he and they is and are hereby obliged, so soon as the Men or Horses employed in haling any Boat, Keel, or Vessel upon the said River have passed the same, to shut the said Gate or Gates; and every Person offending in any of these Particulars, and being convicted thereof before any Justice of Peace upon the Oath of One or more Witness or Witnesses, shall forfeit Forty Shillings, which said Penalty shall go and be applied, one Half to the Poor of the Parish where the Offence shall be committed, and the other Half to the Informer; and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction, there to be kept to hard Labour, for such Time as such Justice of the Peace shall direct, not exceeding three Months.

Penalty of 40 *s.* for leaving Locks open.

Boat-masters to make good any Damages they shall occasion.

XXXIV. And for preventing Mischiefs being done or committed by any Person or Persons, who shall be employed in or about the said Navigation, or by the Owners or Masters of Boats, Keels, or other Vessels navigating on the said River, be it further enacted by the Authority aforesaid, That the Owner, Commander, Ruler, or Master of every Boat, Keel, or Vessel, shall be and is hereby made answerable for any Damage or Mischief that shall be done by such Boat, Keel, or Vessel, or by any of the Crew of Boatmen, Keelmen, or Watermen belonging to any such Boat, Keel, or Vessel, to any of the Wears, Locks, Dams, or Bridges, in or upon the said River or Cuts, or by loading or unloading any Boats, Keels, or Vessels in any of the Locks, or for any Imbezilment, Damage, or Injury that shall be done to any Goods carried in such Boat, Keel, or Vessel, or for any Trespass done to the Owner, Occupier, or Possessor of any Land, Tenements, or Premisses adjoining to the River Dun, or by drawing or leaving running any Clough or Cloughs in any of the said Locks or Cuts, when such Boat, Keel, or Vessel shall have passed the same, other than what is provided for by this Act, and is and shall be necessary for the said Navigation in order to pass the said Locks; and such Owner, Master, or Person having the Command or Rule of any Boat, Keel, or Vessel, shall and may be sued for the same, as if such Trespass or Damage had been done or committed by himself; and if such Owner, Master, or Person having the Command or Rule of such Boat, Keel, or Vessel shall be found guilty, the Plaintiff or Plaintiffs shall not only recover his or their Damages thereby sustained, but also his, her, or their full Costs of Suit.

Boat-master's Name to be wrote in large Letters on the Outside the Craft,

XXXV. And to the End the Owners, Masters, or Persons having the Command or Rule of all such Boats, Keels, or Vessels navigating on the said River, may be the better known, be it further enacted by the Authority aforesaid, That every Owner, Master, or Person having the Rule or Command of any Boat, Keel, Barge, Lighter, or other Vessel passing on the said River, shall cause his Name to be set in large white Capital Letters, on each of the Outsides of every Boat, Keel, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when loaded; and if the Owner, Master, or Person having the Command or Rule of any Boat, Keel, Barge, Lighter, or other Vessel, trading or sailing on the said River, shall not at all Times have his Name put on the Outsides of his Boat, Keel, Barge, Lighter, or other Vessel as aforesaid, such Master, Owner, or Person having the Command or Rule thereof, shall forfeit and pay the Sum of Forty Shillings to the said Undertakers, their Successors, Heirs, or Assigns, to be applied for and towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever; which said Forfeiture, upon Neglect of Payment on Demand, shall be recovered or levied as any other Forfeitures and Duties is and are in and by this present Act appointed to be recovered or levied.

on the Penalty of 40 *s.*

XXXVI. And whereas several ill disposed Persons navigating Boats, Keels, and Vessels upon the River *Dun*, do wilfully and maliciously overload such their Boats, Keels and Vessels, and when so overloaded do frequently hale such Boats, Keels, or Vessels into the Cuts, Streams, or shallow Places in the said River, and thereby stop the Passage of other Boats, Keels, or Vessels of less Burthen, to the great Inconvenience of Trade up and down the said River; for Remedy thereof, and to the End that the said River, Cuts, and Streams may remain free and open for the Passage of all Boats, Keels, Lighters, and other Vessels, be it further enacted by the Authority aforesaid, That if any

any Person or Persons shall overload any Boat, Keel, or Vessel navigating in the River Dun, and when so overloaded put such Boat, Keel, or Vessel into any of the Cuts, Streams, or shallow Places, so as to obstruct the Passage of any other Boat, Keel, or Vessel, and do not immediately, upon Notice given to the Owner, Master, or Person having the Command or Rule of such Boat, Keel, or Vessel so obstructing the Passage as aforesaid, hale such Boat, Keel, or Vessel back into the deep Water, so that all Boats, Keels, and Vessels may pass; every such Master or Owner, or Person having the Command or Rule of such Boat, Keel, or Vessel so obstructing as aforesaid, shall forfeit and pay for every such Offence the Sum of Five Pounds of lawful Money of Great Britain to the said Undertakers, their Successors, Heirs, or Assigns, to be laid out and applied towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever; which Forfeiture upon Neglect of Payment on Demand shall be recovered and levied, as other Forfeitures and Duties are in and by this present Act directed and appointed to be recovered and levied.

Boat-masters overloading, and obstructing the Passage of others,

to forfeit 5*l.*

XXXVII. Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons navigating any Boat, Keel, or Vessel upon the River Dun, shall suffer their Boat, Keel, or Vessel to lie in any of the Cuts, Streams, or Passages, for above Eight Hours at any one time, it shall then be lawful for the said Undertakers, their Successors, Heirs, and Assigns, Agents, or Servants, to cause such Boat, Keel, or Vessel to be unloaded, and haled out of the Cuts into the deep Waters, so as other Boats, Keels, and Vessels may pass, and there to detain such Boat, Keel, or Vessel so lying in such Cuts, Streams, or Passages, till Payment be made of all the Expences occasioned thereby.

Boats not to lie in any Cuts above 8 Hours at any one time.

XXXVIII. And to the End it may be known what Quantity of Goods any Boat, Keel, or Vessel, sailing or trading upon the said River will contain and carry, be it further enacted by the Authority aforesaid, That the said Undertakers, their Successors, Heirs, or Assigns, their Agents or Servants, shall measure every Boat, Keel, Lighter, or Vessel, sailing or trading upon any Part of the said River, by putting Weights into the same for that Purpose, which shall be done at the Expence of the said Undertakers, their Successors, Heirs, or Assigns, and also to set Figures or Marks at each End of every such Boat, Keel, Lighter, or Vessel, on the Outside thereof, shewing how much, or how far every Ton Weight of Loading which shall be put into such Boat, Keel, Lighter, or Vessel, will sink the same into the Water, and shall remeasure every such Boat, Keel, Lighter, or Vessel, so often as the Figures or Marks shall be altered or defaced, and shall mark again such Boats, Keels, Lighters, or Vessels, as aforesaid; and if the Owner or Owners, Master or Masters, or Person or Persons having the Command or Rule of any Boat, Keel, or Vessel, shall refuse to have his or their Boats, Keels, Lighters, or Vessels weighed or marked as aforesaid, he or they so refusing shall forfeit and pay the Sum of Six Pounds to the said Undertakers, their Successors, Heirs, and Assigns, for every such Refusal: And if the Owner or Owners, Master or Masters, or Person or Persons having the Command or Rule of any Boat, Keel, Lighter, or Vessel, shall alter, deface, remove, erase, or destroy any such Mark or Marks, Figure or Figures, or shall suffer the same to be altered, defaced, removed, erased, or destroyed; every such Owner or Owners, Master or Masters, or Person or Persons having the Command or Rule of such Boat, Keel, Lighter, or Vessel, so offending, shall forfeit and pay for every such Offence the Sum of Six Pounds to the said Undertakers, their Successors, Heirs, and Assigns; and in case of Neglect, Refusal, or Denial of Payment on Demand of such several and respective Forfeiture and Forfeitures before mentioned to the said Undertakers, their Successors, Heirs, or Assigns, they shall have such Power and Remedy for recovering the same, as is and are in and by this present Act given and prescribed for the Recovery of other Forfeitures and Duties; which said Forfeiture and Forfeitures shall be laid out and applied for and towards carrying on and improving the said Navigation, and to no other Use or Purposes whatsoever.

Boats to be measured, and marked on the Outside;

on Penalty of 6*l.*

Altering or defacing Marks, to forfeit 6*l.*

XXXIX. And whereas several of the Commissioners nominated and appointed by the said Two recited Acts, since the passing thereof are dead or removed, and others disqualified from acting as such Commissioners, so that it is difficult to get a sufficient Number to act in the Trusts and for the Purposes mentioned and expressed in the said former Acts: And whereas it will be necessary that the said Commissioners should have Power to act under this present Act, touching the determining of any Differences that may arise concerning any Land, Tenements, Hereditaments, or Premisses, that is, are, or shall be made use of in making any Ways, Wharfs, Warehouses, or other Works and Conveniencies upon or near the said River, or the Lands adjoining to the same, for or in Respect of any Loss or Damage any Proprietor, Owner, Possessor, Tenant, Occupier, or other Person shall or may sustain by carrying on the said Navigation or Undertaking above *Wilsick House*; be it therefore further enacted by the Authority aforesaid, That the Commissioners nominated and appointed by this present Act, and also the Commissioners appointed by the said Two in Part recited Acts, or any Seven or more of them, shall be and they are hereby impowered and required to settle and determine all or any Differences which have or shall happen, touching or concerning any Lands, Tenements, Hereditaments, and Premisses, or any Part thereof, which shall be used, cut, dug, altered, removed, prejudiced, damnified, or demolished, by or by Reason of making any Lock or Locks, Cut or Cuts, Dam or Dams, Ways, Wharfs, Warehouses, or other Works or Conveniencies, for or in Respect of any such Loss or Damage as any Proprietors, Owners, Possessors, Tenants, Occupiers, or other Persons shall or may thereby sustain, by carrying on the said Navigation or Undertaking, as well above Wilsick House, as below the same, and shall conjunctively have the same and the like Powers and Authorities for putting in Execution, and for doing and determining all other Matters and Things contained in the said Two in Part recited Acts, as in this present Act, as fully and effectually as if the same had been herein and hereby particularly repeated, set forth, specified, and directed; and that they, or any Seven or more of them, shall and may issue their Warrant to the Sheriff or Coroner, or Coroners, to summon a Jury and Witnesses, and to swear such Juries and Witnesses, and to record the same accordingly; and that the Verdict or Verdicts of such Jury and Juries shall have the same Force and Effect, touching the Matters

Commissioners to determine Differences.

and Things in the ſaid Two in Part recited Acts contained, as well as in this preſent Act, or any of them.

False Evidence given in any Suit before the Commiſſioners, to be puniſhed as wilful and corrupt Perjury.

XL. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons, who in any Examination directed to be taken by this Act ſhall give falſe Evidence or Information before the Commiſſioners hereby appointed, or to be appointed, ſhall and may be proſecuted for the ſame; and ſuch Perſon or Perſons as ſhall be convicted thereof, ſhall be ſubject and liable to all the Pains and Penalties which any Perſon or Perſons can or may be ſubject or liable to for wilful and corrupt Perjury, by any of the Laws and Statutes of this Realm.

On Death or Removal of Commiſſioners, others to be choſen;

XLI. And for continuing a ſufficient Number of Commiſſioners for the Purpoſes mentioned in the ſaid in Part recited Acts, and this preſent Act; be it further enacted by the Authority aforeſaid, That when and as often as any Commiſſioner or Commiſſioners nominated and appointed by the ſaid in Part recited Acts, or this preſent Act, ſhall die, remove, or refuſe to act, it ſhall and may be lawful to and for the ſurviving and remaining Commiſſioners, or any Ten or more of them from time to time by Inſtrument in Writing under their reſpective Hands and Seals, to nominate, elect, and appoint ſome other Perſon or Perſons ſo qualified as aforeſaid, in the Place of him or them ſo dying, removing, or refuſing to act; the ſaid ſurviving or remaining Commiſſioners, or any Ten or more of them, always giving Thirty Days Notice in Writing, to be affixed on the publick Croſſes in the Towns of Sheffield, Doncaſter, and Thorne reſpectively, of ſuch intended Nomination, Election, and Appointment; and all and every Perſon and Perſons ſo nominated, elected, and appointed, being qualified as aforeſaid, ſhall from thenceforth have the like Power and Authority in all Things relating to the Matters in the ſaid Two in Part recited Acts, and herein contained, as if he or they had been expreſly named and appointed in and by the ſaid Acts, or this preſent Act; and every ſuch Inſtrument and Nomination of any new Commiſſioner or Commiſſioners ſhall from time to time be recorded in the Books or Rolls of the ſaid Commiſſioners by their Clerk, within the Space of Sixty Days after ſuch Election and Appointment reſpectively.

giving 30 Days Notice.

New Commiſſioners to be recorded within 60 Days after Election.

Not to meet above 12 Miles Diſtance from the Matter in Queſtion.

XLII. Provided always, That no Meeting ſhall be held by the Commiſſioners, or any Seven or more of them, by virtue of this Act, at any Place which ſhall be above Twelve Miles diſtant from the Matter or Place in Queſtion, or where the Controverſy or Matter to be enquired into ſhall lie or ariſe.

Opening Locks, &c. maliciouſly, and miſ-ſpending the Water,

XLIII. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall willingly or maliciouſly open any Lock or Clough belonging to the Undertakers of the ſaid Navigation, having no lawful Occaſion ſo to do for the Advantage of ſome Boat, Keel, Lighter, or Veſſel to paſs the Locks, or ſhall ſuffer any Keel, Boat, Lighter, or Veſſel to be moored unto, or to lie under any of the Bridges in the new River, or ſhall leave any of the Cloughs running, after any Boat, Keel, Lighter, or Veſſel ſhall have paſſed any ſuch Locks, or if any Perſon or Perſons ſhall draw any Clough or Cloughs in the River Dun, to miſpend, or to let the Water run waſte, to the Prejudice of the Navigation on the ſaid River, all and every ſuch Perſon or Perſons offending in any of the ſaid Particulars, and being thereof convicted before One or more Juſtice or Juſtices of the Peace by the Oath of One or more Witneſs or Witneſſes, the Perſon or Perſons ſo convicted ſhall forfeit and pay to the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, the Sum of Five Pounds; and in Default of Payment thereof, the Perſon or Perſons ſo offending ſhall be ſent to the Houſe of Correction, there to be kept to hard Labour for ſuch Time as ſuch Juſtice of the Peace ſhall direct, not exceeding Three Months.

to forfeit 5 *l.*

River *Dun* deemed a navigable River, ſubject to the Reſtrictions of this Act.

XLIV. And be it further enacted by the Authority aforeſaid, That the River Dun, from Wilſick Houſe down the ſaid River to Fiſhlock Ferry, is and for ever hereafter ſhall be eſteemed and taken to be navigable, ſubject to the Reſtrictions and Regulations in this Act mentioned; and that the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, and all Bodies Politick and Corporate, and all other the King's Leige People whatſoever, with their Goods and Merchandizes, ſhall and may have and lawfully enjoy free Paſſage in, along, through, and upon the ſaid River, or any Part thereof, and ſuch Cuts as ſhall be made out of the ſame, and through all ſuch Locks and Dams aforeſaid, and ſhall and may have alſo the Uſe of the Towing or Haling-paths and Ways, and all other neceſſary and convenient Liberty for navigating, mooring, ſailing, or conveying of Boats, Keels, Barges, Lighters, or other Veſſels, on the ſaid River and Cuts, without any Let, Hindrance, or Obſtruction from any Perſon or Perſons whatſoever.

River *Dun* not ſubject to the Inſpection of Commiſſioners of Sewers.

XLV. And be it further enacted by the Authority aforeſaid, That the ſaid River Dun, from Wilſick Houſe to Fiſhlock Ferry, or any of the Cuts or Works, Matters or Things, which ſhall be made or erected by the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, for making, preſerving, and continuing navigable, portable, and paſſable, the ſaid River, and the ſaid Cuts, Trenches, and Paſſages, within the Limits aforeſaid (except as to the Power of reducing the Hight of the ſaid Dam intended to be erected as aforeſaid above Bramwith upper Ford) ſhall not be under the Order or Survey of any Commiſſion of Sewers, or ſubject thereunto; any Law or Statute to the contrary notwithſtanding.

Management of the Ford at *Fiſhlock Ferry*.

XLVI. And whereas the greateſt Part of the Commons belonging to the Pariſh of *Fiſhlock Lye*, on the South Side of the River, and the Landholders and Inhabitants of the ſaid Pariſh, are obliged to drive their Cattle over *Fiſhlock Ferry* and *Ford*; be it therefore enacted by the Authority aforeſaid, That if the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, ſhall deepen or cleanſe the ſaid River at the ſaid Ford or Ferry, they ſhall keep and maintain the Shoars of the ſaid River on both Sides the ſaid Ferry and Ford, ſo ſhelving or ſloping to Low-water Mark, that Paſſengers and Cattle may eaſily and conveniently paſs and repaſs the ſame, and each of them.

XLVII. And for preventing the throwing down, deſtroying, demoliſhing, or damaging any of the Works, which ſhall be making or erecting, or that ſhall be made or erected in the River Dun, or any Works to be made or erected in purſuance of this Act, or the throwing of any Stones, Dirt, or Rubbiſh into the ſaid River or Cuts; be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall wilfully or maliciouſly cut,

break down, demolish, damage, or destroy any Banks or other Works, that shall be making or erecting, or that shall be erected or made for the Purposes aforesaid, or shall throw any Stones, Dirt, Rubbish, or any other Thing, into the River Dun, which shall in any Manner prejudice or obstruct the Navigation hereby intended and directed to be made; such Person or Persons so offending in either Case, and being convicted thereof before any Justice of the Peace upon the Oath of One or more Witness or Witnesses, shall forfeit Five Pounds to the said Undertakers, their Successors, Heirs, and Assigns; and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice of the Peace shall direct, not exceeding Three Months.

Wilfully damaging the Works,

to forfeit 5 *l.*

XLVIII. Provided always, and be it further enacted by the Authority aforesaid, That if any Dispute or Difference shall arise between the Collector of the Duties or Tonnage made payable by this Act, and the Owner, Master, or Commander, or Persons having the Rule of any Keel, Boat, Barge, Lighter, or other Vessel, or the Owner of any Goods, Wares, and Merchandizes chargeable with or liable to the Payment of any of the Duties, Tonnage, Sum or Sums of Money aforesaid, concerning the Weight and Quantity of the same; it shall and may be lawful to and for such Collector to make stay of, and detain any such Boat, Keel, Lighter, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged all such Goods, Wares, and Merchandizes, as shall be in any Vessel or Vessels, where and when any Dispute shall arise; and in case such Goods, Wares, and Merchandizes shall upon such weighing, measuring, or gauging, appear to be as much in Weight or Quantity, or of greater Weight or Quantity, than such Collector did affirm and insist the same to be before the weighing, measuring, or gauging thereof, whereby such and a greater Sum of Money was or shall be due and payable for the Duties or Tonnage thereof or such Collector did or shall demand for the same before the weighing, measuring, or gauging of such Goods, Wares, and Merchandizes, the Master or Commander of the said Boat, Keel, Lighter, or other Vessel, or the Owner of such Goods, Wares, and Merchandizes so weighed, measured, or gauged, shall pay and bear the Costs and Charges of such weighing, measuring, and gauging thereof, all which said Costs and Charges upon Refusal of Payment thereof on Demand shall and may be recovered and levied, as other Forfeitures and Duties are in and by this present Act appointed to be recovered and levied.

On Dispute of paying the Duties,

Collector to stop the Boat, and measure, &c.

and if the Boatmaster, &c. is in Fault, to pay all Charges.

XLIX. And whereas several Boats, Keels, Lighters, or other Vessels have been sunk in that Part of the River *Dun* called the *New River* or *Dutch River*, between *Fishlock Ferry* and the River *Ouze*, and that the Owners thereof have neglected to weigh or draw up the same, to the great Obstruction and Hazard to other Boats, Keels, Lighters, and Vessels passing up and down the said River; for Remedy thereof, be it further enacted by the Authority aforesaid, That if any Ship, Keel, Boat, Lighter, or other Vessels, shall happen to be sunk in the said River, between Fishlock Ferry and the River Ouze, and that the Owner or Person having the Command or Rule thereof do not weigh or draw up the same again in Thirty Days time after such Ship, Keel, Boat, Lighter, or other Vessel shall be so sunk; it shall then be lawful for the said Undertakers, their Successors, Heirs, and Assigns, to cause such Ship, Keel, Boat, Lighter, or other Vessel to be weighed and drawn up, and to detain and keep such Ship, Keel, Boat, Lighter, or other Vessel, till Payment be made of all the Expences occasioned thereby; and if Payment be not made in Twenty Days after such Ship, Keel, Boat, Lighter, or other Vessel be drawn up, then and in such Case it shall and may be lawful to and for the said Undertakers, their Successors, Heirs, and Assigns, to cause Sale to be made thereof, and to apply the Money arising thereby towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Ship, &c. sunk in the new Cut, shall be weighed up in 30 Days,

or Undertakers may do it, and pay themselves by Sale of the Craft so weighed.

L. And for preventing prejudicing, filling, or choaking up the said River Dun, from Fishlock Ferry to the River Ouze; be it further enacted by the Authority aforesaid, That if any Master, Owner, or Person, having the Command or Rule of any Ship, Boat, Keel, Lighter, or other Vessel, or any other Person or Persons whatsoever, shall empty or throw, or cause, permit, or suffer any Sort of Ballast, Stone, Ashes, Rubbish, Dirt, or any other Thing whatsoever, to be emptied or thrown into any Part of the said River Dun, between Fishlock Ferry and the River Ouze, every such Master, Owner, and Person having the Command or Rule of any Ship, Boat, Keel, Lighter, or other Vessel, and every other Person offending therein, shall forfeit and pay the Sum of Twenty Pounds for every such Offence, to be recovered by Action of Debt in any Court of Record by the said Undertakers, their Successors, Heirs, and Assigns, who are hereby impowered to bring such Action or Actions, in which no Essoign, Protection, or Wager of Law shall be allowed; which Forfeiture when recovered shall go to the Lords respectively of the respective Manors where the said Offence or Offences shall be committed, and to no other Use, Intent, or Purpose whatsoever; but the Master, Owner, and Person having the Command or Rule of any such Boat, Keel, Ship, Lighter, or other Vessel, shall be at Liberty, from time to time to throw any Ballast, or to cause the same to be thrown out of any such Boat, Keel, Ship, Lighter, or Vessel, on the Banks of the said River, within any Part of the Limits aforesaid, above High-water Mark of Spring Tides, when at the Hight.

No Ballast, &c. to be thrown into the new Cut,

on Penalty of 20*l.*

Ballast, &c. may be thrown on the Banks.

LI. Provided always, and it is hereby declared and enacted by the Authority aforesaid, That nothing in this Act contained shall extend to determine or prejudice any Right or Power which the Mayor and Commonalty of the City of York, or any other Person or Persons have or may have or claim in any Respect whatsoever, touching or concerning the said Dutch Cut or New River, or shall be construed to destroy or take away, or in any Respect whatsoever to lessen the Power, Authority, or Jurisdiction of the Commissioners of Sewers for the Level of Hatefield Chase, and Parts thereto adjacent, in the Counties of York, Lincoln, and Nottingham; but the said Commissioners, and the Commissioners for the time being, for the said Level and Parts adjacent, shall and may have the same or the like Power, Authority, and Jurisdiction over such Part of the said River Dun, as lies between Fishlock Ferry aforesaid, and the New River or Dutch River, and the Bridges and Banks thereof, and over all Rivers, Ditches, Drains, Trenches, and Sewers falling into the said River Dun,

Rights saved to the Mayor, &c. of *York*;

and Commissioners of Sewers, of *Com' York, Lincoln,* and *Nottingham.*

Dun, below Wilfick Houſe, and into the New River or Dutch River aforeſaid, as they had before the making of this Act; any thing herein contained to the contrary thereof notwithſtanding.

Reſtrictions in Favour of the Townſhip of *Barmby*, and Lord *Irwin*.

LII. And it is hereby further enacted and declared by the Authority aforeſaid, That the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, ſhall not be authorized by virtue of any Power or Powers given by this Act, to make or erect any Warehouſes, Weigh-beams, Cranes, Quays, Landing-places, or Wharfs within the Townſhip of Barmby upon Dun, or upon any Grounds, Waſtes, or Commons belonging to the Right Honourable the Lord Viſcount Irwin, or within the Townſhip of Stainforth.

Lords of Manors may improve their Lands by the River;

LIII. Provided always, and it is hereby declared, That nothing in this Act contained ſhall extend or be conſtrued to extend to obſtruct or hinder the Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds adjoining to the ſaid River, or any Lands or Grounds through which any Cut or Cuts ſhall be made, for erecting or making any Warehouſes, Weighing-beams, Cranes, Quays, Landing-places, or Wharfs upon the ſaid River or Cuts in and upon their own Lands, Waſtes, or Grounds reſpectively, ſo that the erecting and making of ſuch Warehouſes, Weighing-beams, Cranes, Quays, Landing-places, or Wharfs, do not obſtruct or prejudice the ſaid Navigation; and all Rates and Dues which ſhall be paid for the Uſe of ſuch Warehouſes, Weighing-beams, Cranes, Quays, Landing-places, and Wharfs, ſo erected and made, ſhall be, and the ſame are hereby given, to and for the Uſe and Benefit of ſuch Lord and Lords of ſuch Manor or Manors, or the Owner and Owners of ſuch Lands, Waſtes, and Grounds reſpectively.

but not to prejudice the Navigation.

Land Owners may uſe Pleaſure Boats,

LIV. Provided alſo, and be it declared and enacted, That it ſhall and may be lawful to and for the Owners and Occupiers of any Lands or Tenements adjoining to the ſaid River and navigable Paſſages, or any of them, to uſe any Pleaſure Boat or Boats upon the ſame, without the Hindrance or Interruption of the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, and without paying any of the Rates or Duties aforeſaid, ſo as ſuch Pleaſure Boat or Boats is or are not uſed for carrying Coals, Stone, Slate, Wood, or any other Goods, Wares, or Merchandizes charged or chargeable with any of the Duties by this Act granted and made payable: And that the Lord or Lords of the reſpective Manors, or any other Perſon whatſoever, ſhall have full Liberty to fiſh, fowl, and exerciſe all other Royalties on the ſaid new intended Cut or Cuts, as they now can on any Part of the ſaid River Dun, without Prejudice to the ſaid Navigation.

and fiſh and fowl, &c.

LV. And whereas when the intended Navigation ſhall be compleated up to *Tinſley*, great Quantities of Goods will be frequently brought and carried by Land Carriage to and from thence, whereby the Roads between *Tinſley* and *Sheffield* will be made ſo bad, that the Inhabitants of the Pariſhes, through which the ſaid Roads do lead, will not be able to amend and keep the ſame in Repair by the Laws now in Being: Now to the End that the ſaid Road may be kept in good Repair after the ſaid Navigation ſhall be compleated, be it further enacted by the Authority aforeſaid, That the Undertakers of the ſaid Navigation, their Succeſſors, Heirs, and Aſſigns ſhall, and they, and ſuch Perſon or Perſons as they ſhall from time to time appoint, is and are hereby impowered to aſk, demand, and take a Toll or Duty of One Peny for every cuſtomary Ton, which is hereby declared to be Twenty five hundred Weight, and ſo in Proportion for any greater or leſs Quantity of Goods or Merchandizes of what Kind ſoever, which ſhall be brought to, or carried from any Wharf at or near Tinſley, to be carried up or down the ſaid River, over and above all Lock Dues; which ſaid Toll or Duty of One Peny is, and ſhall be, and hereby is veſted in the ſaid Undertakers, their Succeſſors, Heirs, and Aſſigns, for ever; and the ſame, and every Part thereof, ſhall from time to time be laid out and applied for and towards repairing and amending the ſaid Road between Tinſley and Sheffield, and to no other Intent or Purpoſe whatſoever: And in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſaid Toll or Duty on Demand, it ſhall and may be lawful to and for the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, and ſuch Perſon or Perſons as they, or any Five or more of them, under their Hands and Seals ſhall from time to time nominate and appoint, to levy the Toll or Duty hereby laid and required to be paid, upon any ſuch Perſon or Perſons who ſhall (after Demand thereof made) neglect or refuſe to pay the ſame as aforeſaid, by Diſtreſs of any Goods upon which ſuch Toll or Duty is by this Act impoſed, or by Diſtreſs of any other of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay ſuch Toll or Duty, and to detain and keep ſuch Diſtreſs, till ſuch Toll or Duty with the reaſonable Charges of detaining and keeping ſhall be paid; and ſuch Perſon and Perſons ſo diſtraining, after the Space of Four Days after ſuch Diſtreſs made and taken, ſhall and may ſell the Goods ſo diſtrained and taken, returning the Overplus (if any there be) upon Demand to the Owner thereof, after ſuch Toll or Duty, and reaſonable Charges for diſtraining and keeping the ſame, ſhall be deducted and paid.

Toll levied of 1 *d. per* Ton, to repair the Roads.

Statute-work to be continued.

LVI. Provided always, and it is hereby further enacted, That all and every Perſon and Perſons, who by Law are obliged to do Statute-work, or are chargeable towards amending the Road aforeſaid, ſhall ſtill remain chargeable, and do their reſpective Works on the ſaid Road, in ſuch Manner as ſuch Perſon and Perſons ought to have done before the paſſing of this Act.

Limitation of Actions.

LVII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information ſhall be brought, or commenced againſt the ſaid Undertakers, their Succeſſors, Heirs, or Aſſigns, or againſt any Perſon or Perſons, for any thing done or to be done in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions herein before given or granted, every ſuch Action, Suit, or Information, ſhall be commenced and brought within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the County wherein the Cauſe of Action ſhall ariſe, and not elſewhere; and the Perſon or Perſons ſo ſued or proſecuted ſhall or may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear ſo to be done, or that ſuch Action, Suit, or Information,

General Iſſue.

formation, shall be brought after the Time before limited for bringing the same, or shall be brought in any other County than wherein such Cause of Action shall arise, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against him, her, or them, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law. Treble Costs.

LVIII. And be it enacted by the Authority aforesaid, That this Act shall be deemed, taken, and allowed in all Courts within this Kingdom to be a publick Act; and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same; and all Mayors, Justices, Sheriffs, Bailiffs, Constables, and other Officers and Ministers of Justice, are hereby required to be aiding and assisting to the said Undertakers, their Successors, Heirs, and Assigns, and to their Deputies, and all such Officers, Servants, and Workmen, as shall from time to time be employed by them or any of them, in the Execution of this Act or any of the Powers or Authorities hereby given. Publick Act.

CAP. XII.

An Act for making a Chapel lately built by *Robert Downes*, Goldsmith, and others, in the Town of *Sheffield*, in the County of *York*, a perpetual Cure and Benefice; and for making a Provision for the Maintenance of the Curate or Minister of the said Chapel, pursuant to an Agreement for that Purpose.

WHEREAS the Town of *Sheffield*, in the County of *York*, is of great Extent and very populous, and hath only one Parish Church therein, which, although it is a large and spacious Building, cannot contain one Half of the People of the said Town for the commodious attending and hearing Divine Service: And whereas, by an Instrument under the Hand and Archiepiscopal Seal of the most Reverend Father in God, *William*, late Lord Archbishop of *York*, bearing Date the Second Day of *October*, One thousand seven hundred and nineteen, reciting, That he had received a Petition under the Hands of divers of the Parishioners and Inhabitants of the said Town and Parish of *Sheffield* on Behalf of themselves and many Thousands more of the said Town and Parish, setting forth (amongst other Things) That they had proposed to erect or build a fit and convenient Place or Building within the said Town of *Sheffield*, to be consecrated and set apart for the publick Worship of Almighty God according to the Laws Ecclesiastical of this Realm, and had been encouraged thereto by the bountiful Charity of *Robert Downes* of *Sheffield* aforesaid, Goldsmith, who out of his pious Zeal for promoting and carrying on the said good and charitable Work had subscribed and secured the Sum of One thousand Pounds, to be paid towards building and erecting of such Structure or Building, to be consecrated and set apart for the Uses aforesaid; and had likewise settled to the Value of Thirty Pounds a Year, or thereabouts, for the perpetual Use of a Minister or Preacher, to be elected and nominated by him the said *Robert Downes*, his Heirs, and Assigns; and praying the said Archbishop to grant his Licence and Authority for the Purposes therein expressed; the said *William* Lord Archbishop of *York* did grant to divers Persons therein named, his full Power, Licence, and Authority, to erect and build, or cause to be erected and built, a decent and commodious Structure or Building upon a certain Close or Parcel of Ground within the said Town of *Sheffield*, commonly called or known by the Name of *Shaw Close*, *alias Oxley Croft*, then lately purchased for that Purpose by the said *Robert Downes*, to be set apart and consecrated for the publick Worship and Service of Almighty God, and for celebrating Divine Service therein according to the Form prescribed in and by the Liturgy of the Church of *England*: And whereas, pursuant to such Licence and Authority a handsome and stately Structure hath at the Costs of the said *Robert Downes*, and by the pious and charitable Contributions of divers other Persons, been built or erected on the said Close or Parcel of Ground, and convenient Pews have been therein erected and set up, for the more commodious attending Divine Service to be celebrated therein; and the same Building hath been conveyed by the said *Robert Downes* to the Use of his Nephew *Joseph Downes* Clerk, and his Heirs, in Trust, to be used as a Chapel of Ease to the said Parish Church of *Sheffield*, so as the Nomination of the Curate of such Chapel should be secured to the said *Robert Downes* and his Heirs: And whereas by Articles of Agreement *Quadrupartite*, bearing Date the Sixth Day of *October*, One thousand seven hundred and thirty nine, and made or mentioned to be made between the said *Robert Downes* of the First Part, *Andrew Wilkinson* of *Borough Bridge* in the said County of *York*, Esquire, on the Behalf of himself and *Barbara* his Wife and of *Bethia Jessop* Spinster, and of *Mary Jessop* Spinster, and of *Philip Gell* Esquire, Son and Heir of *Isabella Gell*, late the Wife of *John Gell* of *Hopton* in the County of *Derby*, Esquire, deceased, which said *Barbara Wilkinson*, *Isabella Gell* in her Life-time, *Bethia Jessop*, and *Mary Jessop*, were Daughters and Coheirs of *William Jessop*, late of *Broomhall* in the Parish of *Sheffield* in the said County of *York*, Esquire, deceased, who was Patron of the Vicarage of the Parish Church of *Sheffield* aforesaid, on the Second Part, and *John Dossie* Clerk, Vicar of the Vicarage and Parish Church of *Sheffield* aforesaid, on the Third Part, and the said *Joseph Downes*, on the Fourth Part; reciting to the Effect herein before recited; and that through certain Controversies that had arisen between the said *Robert Downes*, *William Jessop*, and *John Dossie*, in the Life-time of the said *William Jessop*, and since his Decease, between the said *Robert Downes* and *Andrew Wilkinson*, and the Coheirs of the said *William Jessop*, who were then Patrons of the said Vicarage, and the said *John Dossie*, touching the Nomination of the Minister or Curate to officiate and perform Divine Service in the said Fabrick, the Consecration thereof had been to that Time deferred; it is witnessed in and by the said Articles, That for putting an End to the said Controversies, and to the Intent that the said Fabrick might in all future Times be employed and used for the pious and charitable Purposes, for which the same was erected and built; and for the settling and determining the Right of Nomination of a Minister or Curate to officiate in the said Building or Chapel, and providing and establishing a competent Maintenance for the Minister or Curate of the said Chapel, and his Successors; and also some Recompence to the said *Robert Downes* for his Claim of Right to nominate a Curate or Minister of the said Chapel, as Donor of the Scite thereof, and principal Contributor to the Expence and Charge of the said Structure, it is thereby covenanted and agreed by between and amongst all and every the Parties thereto, that *John Downes* of *Rotherham*, in the County of *York*, Clerk, should be nominated and appointed the First Curate and Incumbent of the said Chapel; and that from and after the Decease of the said *John Downes*, or other Vacancy of the said Chapel, from time to time, and so often as any Vacancy thereof should happen, the Vicar of the said Parish Church for the time being should and might nominate a fit Person to be

be Curate of the ſaid Chapel; and that the Freehold and Inheritance of the ſaid Chapel, and of ſo much of the ſaid Ground called *Shaw Cloſe* or *Oxley Croft* as was then incloſed or ſtaked out for a Chapel-yard or Cemetery, belonging to the ſaid Chapel or Structure, ſhould or might be veſted in Truſtees, and their Heirs in Truſt, amongſt other Things, to demiſe the Pews and Seats erected or thereafter to be erected in the ſaid Structure or Chapel, for any Term or Terms of Years not exceeding Twenty one Years in Poſſeſſion, ſo as the ſaid Seats or Pews be lett or demiſed in ſuch Sort, Manner, and Proportion, that, taking one with another, or upon an Average, each Seat or Sitting ſhould produce the Yearly Rent or Sum of Four Shillings, and not at any leſs Rent or Rents, without the Conſent of the Curate or Incumbent of the ſaid Chapel for the Time being in Writing firſt had and obtained; or that ſuch Pews and Seats erected or to be erected ſhould be ſo veſted in Truſtees and their Heirs, or Truſtees and their Heirs ſhould be ſo impowered and authorized, that they ſhould and might ſo demiſe the ſaid Pews and Seats as aforeſaid; and that out of the Rents and Profits of the ſaid Pews and Seats, from and after the Conſecration of the ſaid Chapel, or Admittance of the ſaid *John Downes* to the Curacy of the ſaid Chapel, there ſhould be yearly and every Year paid to the ſaid *John Doſſie*, during his Life, if he ſhould ſo long continue Vicar of the ſaid Pariſh Church of *Sheffield*, the yearly Sum of Thirty Pounds of lawful *Britiſh* Money; and that the Reſidue of ſuch Rents and Profits ſhould be paid to the ſaid *John Downes* during his Life, if he ſo long continue Curate of the ſaid Chapel; and that from and after the firſt Vacancy of the ſaid Curacy, by Death of the ſaid *John Downes*, or otherwiſe, there ſhould be payable to the ſaid *Joſeph Downes*, and his Heirs, out of the Rents and Profits of the ſaid Pews and Seats, an Annuity of Forty eight Pounds of like Money; and that the Reſidue of ſuch Rents and Profits ſhould be paid to the Curate or Incumbent of the ſaid Chapel for the Time being, and his Succeſſors for ever; and the Parties to the ſaid Articles ſhould at their joint Expence apply for, and endeavour to obtain, an Act to paſs in the then next Seſſion of Parliament, for the ratifying and eſtabliſhing the ſaid ſeveral Articles thereby agreed upon, and for ſuch other Purpoſes touching the ſaid Chapel and the Curates thereof, as by the Counſel of the Parties thereto ſhould be deviſed, *&c.*

CAP. XIII.

An Act for providing a Marriage Portion for the Princeſs *Mary*.

Preamble.

WHEREAS His Majeſty hath received Propoſals for a Marriage between his Daughter the Princeſs *Mary*, and Prince *Frederick* of *Heſſe*, Son of Prince *William*, Landgrave of *Heſſe*, Brother to the King of *Sweden*; which His Majeſty hath been graciouſly pleaſed favourably to accept, and agree to the ſame, not doubting that this Alliance with ſo conſiderable a Proteſtant Family will be to the general Satisfaction of all His good Subjects: And His Majeſty's faithful Commons thinking it highly juſt and reaſonable, that His Majeſty ſhould be enabled to give ſuch a Portion to His Daughter, as may be ſuitable to the Honour and Dignity of His Crown and Family; **may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That out of all or any the Aids or Supplies granted to His Majeſty for the Service of the Year One thouſand ſeven hundred and forty, there ſhall and may be iſſued, paid, and applied, the Sum of Forty thouſand Pounds, as a Marriage Portion to Her Highneſs the ſaid Princeſs** Mary: **And the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the Time being, are hereby authorized and impowered to direct the Payment of, and to iſſue the ſaid Sum of Forty thouſand Pounds, at ſuch Times, and in ſuch Manner as His Majeſty by Warrant under His Royal Sign Manual ſhall be graciouſly pleaſed to direct and appoint.**

40,000 *l.* allow'd for the Princeſs *Mary*'s Portion.

CAP. XIV.

An Act for making more effectual Two Acts of Parliament, paſſed in the Seventh and Tenth Years of Her late Majeſty Queen *Anne*, *For preſerving and inlarging the Harbour of* Whitehaven *in the County of* Cumberland; and for repairing and amending the High Roads leading to the ſaid Harbour and Town of *Whitehaven*.

Preamble, reciting the Acts 7 *Annæ*, *not printed*.

WHEREAS by an Act of Parliament, made and paſſed in the Seventh Year of the Reign of Her late Majeſty Queen *Anne*, intituled, *An Act for preſerving and inlarging the Harbour of* Whitehaven *in the County of* Cumberland, certain Rates and Duties upon Coals, and other Goods and Merchandize, and upon Shipping, in the ſaid Act particularly mentioned, were charged, and granted to commence and take Effect from and after the Twenty fifth Day of *March*, One thouſand ſeven hundred and nine, and to continue for the Term of Fourteen Years then next enſuing, and directed to be applied for making certain Moles, and other Works, for preſerving and inlarging the ſaid Harbour, and for deepening the ſame, and for other Purpoſes in the ſaid Act mentioned: And it was thereby enacted, That from and after the Expiration of the aforeſaid Term of Fourteen Years, One third Part of the Rates and Duties thereby charged upon the Tonnage of Ships and Veſſels, and no more, ſhould for ever continue, and be paid for the perpetual repairing, cleanſing, and maintaining the ſaid Harbour: And whereas by another Act of Parliament, made and paſſed in the Tenth Year of the Reign of Her ſaid late Majeſty Queen *Anne*, all the Rates and Duties granted by the ſaid former Act, for the ſaid Term of Fourteen Years, from the Twenty fifth Day of *March*, One thouſand ſeven hundred and nine, were continued for the further Term of Fourteen Years, from the Expiration of the ſaid former Term: And the Truſtees in the ſaid former Act named were by the ſaid Act of the Tenth Year of the Reign of Her late Majeſty Queen *Anne*, authorized and impowered to borrow Money, to finiſh and compleat the Works neceſſary for the Preſervation and Improvement of the ſaid Harbour; and which Money, and the Intereſt thereof, were thereby directed to be paid off and diſcharged in Order and Courſe, out of the temporary Duties granted and continued by the ſaid Acts: And it was by the ſaid laſt mentioned Act enacted and declared, That from and after ſuch Time as the ſaid principal Sums and Intereſt ſhould be paid off and diſcharged, and that the Juſtices of the Peace at the General Quarter Seſſions for the ſaid County of *Cumberland* ſhall adjudge, that the Works of the ſaid Harbour were ſufficiently repaired and ſecured, the temporary Duties thereby granted ſhould ceaſe and determine, and ſuch Duties only ſhould be paid from thenceforward, as were granted in Perpetuity by the ſaid former Act:

10 *Annæ*, *not printed*.

And whereas in purſuance and by virtue of the ſaid Two former Acts the ſaid Harbour of *Whitehaven* hath been conſiderably deepened and improved, and ſeveral ſtrong and ſubſtantial Moles and Bulwarks have at great Expence been made and erected, whereby Ships in the ſaid Harbour (which formerly lay expoſed, and liable to be driven out and caſt away upon the Rocks and Shoals on that Coaſt) can now lie in Safety, and are ſecure from the Violence of the Sea, whereby the Shipping, Trade, and Navigation within the Port and Town of *Whitehaven* have been conſiderably increaſed and improved: And whereas the Sum of Two hundred and twenty Pounds, borrowed and taken up in purſuance and upon the Credit of the ſaid former Acts, and alſo the Sum of Seven hundred and eighteen Pounds ſeventeen Shillings and ſeven Pence three Farthings, for Work done and performed in and about the ſaid Harbour, do remain due and unſatisfied, notwithſtanding the Duties raiſed by the ſaid Acts have been ſtrictly applied to the Uſes of the ſaid Harbour, and to pay off the Debts incurred for the Service thereof: And whereas, in Caſe the Moles, Bulwarks, and Works of the ſaid Harbour were enlarged and extended to Low-water Mark, ſuch Depth of Water may be obtained, that the largeſt Ships of the ſaid Port of *Whitehaven* might ſail in and out of the Harbour at Neap Tides, and other Ships frequenting thoſe Seas might ſail in at Half Flood, which might tend not only to the Preſervation of the Lives of many of His Majeſty's Subjects, but alſo to the Improvement and Increaſe of the Trade and Navigation of the ſaid Town and Port of *Whitehaven*: But it hath been found by Experience, that the perpetual Duties granted and continued by the Two former Acts, and which took Place at *Lady-day*, One thouſand ſeven hundred and thirty ſeven, (when the temporary Duties granted by thoſe Acts determined) are not ſufficient to keep the ſaid Harbour of a proper Depth, and the Moles and Bulwarks belonging to the ſame in neceſſary Repair, and to diſcharge the ſaid Debt due as aforeſaid; a Deſign ſo uſeful and beneficial to the ſaid Town and Port of *Whitehaven*, and to the Trade and Navigation of the Kingdom, cannot be effected and carried into Execution, unleſs the temporary Duties granted and continued by the ſaid former Acts, and which are now determined, be revived for a competent Term of Years, and other Proviſions made for the Purpoſes afore mentioned: May it therefore please Your moſt Excellent Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all and ſingular the Rates and Duties upon Coals, and other Goods and Merchandizes, and upon Shipping, in and by the ſaid Two former Acts granted and continued reſpectively, and which determined on the Twenty fifth Day of March, One thouſand ſeven hundred and thirty ſeven, and all the Powers, Clauſes, Penalties, and Forfeitures thereby enacted to be levied and executed, and therein inſerted and contained, relating to the ſaid Harbour and Port of Whitehaven, except ſo far as the ſame or any of them are in and by this preſent Act inlarged, altered, or otherwiſe explained, ſhall be and are hereby revived, and ſhall be further continued, and be in full Force and Effect, from and after the Tenth Day of April, One thouſand ſeven hundred and forty, for and during the Term of One and twenty Years from thence next enſuing, and ſhall, during the ſaid Term of One and twenty Years, be levied, collected, executed, managed, and diſpoſed of by ſuch Perſons, and by ſuch Ways and Means, and under ſuch Penalties and Proviſoes, and with ſuch Powers and Authorities, and for ſuch Intents and Purpoſes, as in the ſaid former Acts is provided, and in as full, large, ample, and beneficial Manner, to all Intents and Purpoſes, as if the ſame had been expreſly inſerted and re-enacted in the Body of this preſent Act.

The two former Acts continued for Twenty one Years.

II. And it is hereby further enacted, That it ſhall and may be lawful to and for the Truſtees appointed and to be appointed by and in purſuance of the ſaid former Acts, and this preſent Act, for the ſaid Harbour of Whitehaven, for the time being, or any Eleven or more of them, by Writing under their Hands to grant, bargain, ſell, mortgage, aſſign, and ſet over the ſeveral Rates, Duties, and Sums of Money granted, revived, and continued by the ſaid former Acts, and this preſent Act, for preſerving and enlarging the ſaid Harbour, or any of them (ſubject nevertheleſs to the Incumbrance and Debt herein before mentioned, amounting together to the Sum of Nine hundred and thirty eight Pounds Seventeen Shillings, and Seven Pence Three Farthings) unto any Perſon or Perſons whatſoever, who ſhall be willing to advance and lend Money thereupon, for and during all or any Part of the Term and Intereſt for which the ſaid Rates and Duties are by this preſent Act granted, revived, and continued reſpectively, for the raiſing ſuch Sum or Sums of Money as ſhall be requiſite and neceſſary for the Purpoſes of this Act, and for ſecuring the Repayment of the Sum or Sums of Money ſo to be advanced and lent, with Intereſt for the ſame reſpectively.

Truſtees enabled to mortgage the Rates and Duties by the ſaid Two former and this preſent Act granted.

III. And it is hereby enacted and declared, That all the Monies herein before reſpectively directed and authorized to be raiſed, levied, and borrowed, by virtue and in purſuance of this preſent Act, ſhall be applied and diſpoſed of in Manner and for the Purpoſes following; that is to ſay, In the firſt Place for diſcharging the ſaid Sum of Nine hundred and thirty eight Pounds, Seventeen Shillings, and Seven Pence Three Farthings, ſo borrowed and taken up in purſuance of the ſaid former Acts, and ſo remaining due and owing, as aforeſaid, and all Intereſt due for the ſame; and in the next Place, for and towards the making, erecting, and finiſhing ſuch new Works, as ſhall be neceſſary for inlarging and improving the ſaid Harbour, in Manner and for the Purpoſes afore mentioned; and alſo for the deepening and cleanſing the ſaid Harbour, and keeping and maintaining the ſame, and all the Moles, Bulwarks, and Appurtenances thereof from time to time in good Order and Repair.

Money raiſed, how to be applied.

IV. And be it further enacted by the Authority aforeſaid, That from and after ſuch Time as the ſaid principal Sums and Intereſt provided for and to be borrowed in purſuance of this Act for the Purpoſes of the ſaid Harbour ſhall be paid off and diſcharged, and that the Juſtices of the Peace at the General Quarter-ſeſſions for the ſaid County of Cumberland ſhall adjudge, that the Works of the ſaid Harbour are ſufficiently repaired and ſecured, the temporary Duties hereby granted ſhall ceaſe and determine; and that from thenceforth, or from the Expiration of the ſaid Term of One and twenty Years, one full Moiety of the Rates and Duties upon Tonnage of Ships and Veſſels by the ſaid former Acts granted and continued, and hereby revived, ſhall continue and be paid, and ſhall be applied and

The temporary Duties hereby granted, to ceaſe when the Harbour ſhall be ſufficiently repaired; but then a Moiety of the Duties on Tonnage to continue for ever.

and diſpoſed of for repairing, cleanſing, and maintaining the ſaid Harbour of Whitehaven for ever.

Clauſe enacting the Repairs of the Roads leading to *Whitehaven*.

V. And whereas the ſeveral Roads leading into the ſaid Town of *Whitehaven*, that is to ſay, From *Egremond*, over *Bigrig Moor*, to *Scalegil*, and ſo to *Whitehaven*, and from the Town of *Saint Bees* to *Whitehaven*, and from a Place called *Bridgefoot*, over *Clifton* and *Winſcales Moors*, to *Diſſington*, and ſo to *Whitehaven*, and from the *Whin-houſe* at the Eaſt End of *Harrington*, over *Workington Moor* to *Diſſington* aforeſaid, are very narrow, having been ſeldom made uſe of by Carts or Wheel-carriages till of late Years; but ſince the Improvement of the ſaid Harbour the Reſort of Perſons from other Parts of the Country has been ſo great, and likewiſe ſuch an Increaſe of Carts and Wheel-carriages, as well as loaden Horſes, paſſing with Goods to and from the ſaid Town, that the ſaid Roads are become very ruinous, and many Parts thereof are almoſt impaſſable in the Winter Seaſon, and other Parts dangerous for Paſſengers: And whereas the ſaid Roads cannot be widened, and ſufficiently repaired and kept amended for the Accomodation of all Paſſengers, unleſs ſome Proviſion be made for raiſing Money to be applied for that Purpoſe, *&c.* *

* *The clauſes relating to the Amendment of the Highways are omitted.*

Limitation of Actions.

XXXIII. And be it further enacted by the Authority aforeſaid, That if any Suit or Action ſhall be brought or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of the ſaid Two firſt mentioned Acts, or this preſent Act, or in relation to the Premiſſes, every ſuch Action or Suit ſhall be commenced within Three Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of Cumberland, and not elſewhere; and the Defendant or Defendants in

General Iſſue.

ſuch Action or Suit ſhall and may plead the General Iſſue, and give the ſaid Two firſt mentioned Acts, and this preſent Act, and the Special Matter, in Evidence at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of the ſaid Two firſt mentioned Acts, or this preſent Act: And if the ſame ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, City, or Place, then and in ſuch Caſe or Caſes the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plain-

Treble Coſts.

tiffs; the Defendant or Defendants ſhall and may recover Treble Coſts, upon Affidavit made, or the Certificate of the Judge before whom ſuch Cauſe ſhall be tried, whereby it may appear that ſuch Suit was proſecuted againſt ſuch Defendant or Defendants for Matters contained in the Two firſt mentioned Acts, or One of them, or this preſent Act, and ſhall have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

Publick Act.

XXXIV. And be it further enacted by the Authority aforeſaid, That the Two firſt mentioned Acts, and this preſent Act, ſhall be deemed, adjudged, and taken to be publick Acts, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

Certain Tolls are granted from 10 June, 1740, *for* 21 *Years.*

CAP. XV.

An Act for continuing and making more effectual an Act paſſed in the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, *For repairing the Roads from the Top of* Stoken-church Hill *to* Enſlow-bridge, *and the Road from* Wheatley-bridge *through the City of* Oxon, *by* Begbrook *to* New Woodſtock *in the County of* Oxon, *except the Mile-way on each Side of the ſaid City*; and for repairing the Road from the *Crown Alehouſe*, to the Turnpike on *Stoken-church Hill* aforeſaid.

Preamble, reciting the Act 5 *Geo.* I. not printed.

WHEREAS by an Act made and paſſed in the Fifth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Roads from the Top of* Stoken-church Hill *to* Enſlow-bridge, *and the Road leading from* Wheatley-bridge *through the City of* Oxon, *by* Begbrook *to* New Woodſtock *in the County of* Oxon *(except the Mile-way on each Side of the ſaid City) and to diſable all Commiſſioners or Truſtees appointed for repairing of any Highways or Roads to have any Place of Profit ariſing out of the Toll for repairing ſuch Highways or Roads*; ſeveral Tolls, Duties, and Powers were therein given and granted for repairing the ſaid Roads; which ſaid Act was to take Place, and have Continuance, from and after the Twentieth Day of *April*, One thouſand ſeven hundred and nineteen, for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution, have, by Virtue of the Powers thereby to them given, collected the ſeveral Tolls and Duties by the ſaid Act laid, which have been applied in repairing and amending the ſaid Roads according to the Directions of the ſaid Act, and great Progreſs hath been made in amending the ſaid Roads; but the ſame cannot be effectually repaired and amended according to the true Intent of the ſaid Act, unleſs the Term and Powers thereby granted and given be continued and inlarged, and the ſaid Act made more effectual: And whereas the Road leading from an Houſe, commonly called the *Crown Alehouſe*, in the Pariſh of *Stoken-church* in the ſaid County, to the Turnpike now erected on *Stoken-church Hill* aforeſaid, (being a Mile or thereabouts in Length and adjoining to the Road directed to be repaired by the ſaid former Act) is in the Winter Seaſon very bad and ruinous, *&c.*

The former Act is further continued for 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XVI.

An Act to give further Powers to the Commiſſioners for building a Bridge croſs the River *Thames*, from the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*; and to enable them to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform the other Truſts repoſed in them.

Preamble.

WHEREAS the Commiſſioners for building a Bridge croſs the River *Thames*, from the *Woolſtaple*, or thereabouts in the Pariſh of Saint *Margaret Weſtminſter*, to the oppoſite Shore in the County of *Surrey*,

Surrey, or any Nine or more of them, are by Virtue of ſeveral Acts of Parliament made in the Ninth, Tenth, Eleventh, and Twelfth Years of His preſent Majeſty, ſome or one of them reſpectively, authorized to purchaſe certain Lands, Tenements, and Hereditaments, for the Purpoſes in the ſaid Acts mentioned: And whereas at certain Seaſons of the Year it may be inconvenient for Nine of the Commiſſioners to meet together, and that a leſs Number may be ſufficient to anſwer the Intentions of the ſaid Acts: And whereas ſeveral Doubts have ariſen, and may ariſe, relating to the Conſtruction, Force, and Effect of the Powers veſted in the ſaid Commiſſioners, whereby the executing the Purpoſes and Deſign of the ſaid Acts of Parliament in the beſt and moſt advantageous Manner may be prevented, or greatly obſtructed; **therefore, for the explaining and amending the ſaid Acts, in order to the more eaſy Execution thereof, and for the more effectual conveying and aſſuring to the ſaid Commiſſioners, and thoſe claiming or to claim under them, ſuch Lands, Tenements, and Hereditaments, as they have been or ſhall be directed or enabled to purchaſe by any Act or Acts of Parliament now made, or which may hereafter be made; and for the more ſecure and proper Diſpoſition of the Money to be paid for ſuch Purchaſes; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That any Seven or more of the ſaid Commiſſioners ſhall be and are hereby impowered and authorized to do, make, execute, and determine all and every the Matters, Acts, and Things whatſoever, which Nine of them were by the ſaid Acts made in the Ninth, Tenth, Eleventh, and Twelfth Years of His preſent Majeſty, or any of them, impowered to do, make, execute, or determine.**

9 G. 2. c. 29. 10 G. 2. c. 16. 11 G. 2. c. 26. 12 G. 2. c. 33.

All Diſabilities to treat about ſelling Houſes, &c. taken away.

II. **And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for all Bodies Politick, Corporate or Collegiate, Corporations aggregate or ſole, Truſtees and Feoffees in Truſt, Guardians and Committees for Lunaticks and Ideots, Executors, Adminiſtrators, and Guardians whatſoever, not only for or on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſt, whether Infants, or Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſons whatſoever, and to and for all Femes Covert, who are or ſhall be ſeized in their own Right, and to and for all and every other Perſon and Perſons whatſoever, who are or ſhall be ſeized or poſſeſſed of or intereſted in any Lands, Tenements, or Hereditaments, within the Bounds and Limits, in which the ſaid Commiſſioners are or ſhall be, by Virtue of any Act or Acts of Parliament now made, or hereafter to be made, impowered to purchaſe, ſell, and convey to the ſaid Commiſſioners, or any Seven or more of them, or their Succeſſors, or ſuch Perſon or Perſons as they ſhall appoint, all or any ſuch Lands, Tenements, Hereditaments, Eſtates, and Intereſts, or any Part thereof; and that all Contracts, Agreements, Bargains, Sales, and Conveyances, which ſhall be made by ſuch Perſons, as aforeſaid, ſhall be good and valid in Law, to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon and Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective Ceſtuique Truſts, whether Infants, or Iſſue unborn, Lunaticks, Ideots, Femes Covert, or other Perſon whatſoever, and all claiming or to claim by, from, or under them, any Law, Statute, Uſage, or any other Matter or Thing whatſoever, to the contrary thereof in any wiſe notwithſtanding; and that all ſuch Perſons as aforeſaid, ſo conveying as aforeſaid, are and ſhall be indemnified for what they do or ſhall do by virtue of or in purſuance of this Act, notwithſtanding any Omiſſion or Miſtake, of Matter or Form whatſoever. And if it ſhall happen, that any Perſon or Perſons, Bodies Politick, Corporate or Collegiate, or other Perſon or Perſons ſeized or poſſeſſed of, or intereſted in any ſuch Lands, Tenements, or Hereditaments as aforeſaid, ſhall refuſe to treat or agree for the Sale and Conveyance of their reſpective Eſtates and Intereſts with the ſaid Commiſſioners, or any Seven or more of them, or with any Perſon or Perſons authorized by them, or any Seven or more of them, or ſhall not produce and evince a clear Title to the Premiſſes they are in Poſſeſſion of, or to the Intereſt they claim, to the Satisfaction of the ſaid Commiſſioners, or any Seven or more of them, that then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Seven or more of them, and they are hereby impowered and authorized to iſſue a Warrant or Warrants, Precept or Precepts, directed to the High Bailiff of Weſtminſter, or to the Sheriff of the County of Surrey, as the Caſe ſhall require, who are, and each of them is hereby authorized, directed and required accordingly to impanel and return a competent Number of ſubſtantial and diſintereſted Perſons qualified to ſerve on Juries, no leſs than Forty eight, nor more than Seventy two; and out of ſuch Perſons ſo to be impanelled, ſummoned, and returned, a Jury of Twelve Perſons ſhall be drawn by the ſaid Commiſſioners, or any Seven or more of them, or ſome Perſon to be by them or any Seven or more of them appointed, in ſuch Manner as Juries for the Trial of Iſſues joined in His Majeſty's Courts at Weſtminſter, by an Act made in the Third Year of the Reign of His preſent Majeſty, intituled,** An Act for the better Regulation of Juries, **are directed to be drawn; which Perſons ſo to be impanelled, ſummoned, and returned as aforeſaid, are hereby required to come and appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as in ſuch Warrant or Warrants, Precept or Precepts ſhall be directed and appointed, and to attend there from Day to Day till diſcharged by the ſaid Commiſſioners, or any Seven or more of them; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not be at Liberty to challenge the Array, for Affinity or any other Cauſe whatſoever; and the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized and impowered to ſend their Precept or Precepts to any Perſon or Perſons, who they ſhall have any Reaſon to believe or judge to have any Title Deeds, Books, Papers, or Writings, which they ſhall think neceſſary for their Information in any thing relating to this Act, to attend them, or any Seven or more of them, at ſuch Time within Seven Days before the Meeting of ſuch Jury as aforeſaid, and at ſuch Places as they ſhall in ſuch Precept or Precepts direct and appoint, and to produce at ſuch Time and Place upon Oath all ſuch Title Deeds, Books, Papers, or**

Any Perſons refuſing to treat, a Jury to be impanelled, to aſſeſs Damages.

Writings, as the ſaid Commiſſioners, or any Seven or more of them, ſhall require; and all and every Perſon and Perſons, having any ſuch Deeds, Books, Papers, and Writings, are hereby required to obey ſuch Precept or Precepts, and to produce ſuch Deeds, Books, Papers, and Writings, at ſuch Time and Place, to be inſpected by the ſaid Commiſſioners, or any Seven or more of them, or any Perſon authorized by them to inſpect the ſame; and alſo ſhall produce ſuch Deeds, Books, Papers, and Writings to ſuch Jury, if they ſhall be required by the ſaid Commiſſioners, or any Seven or more of them; and the ſaid Commiſſioners, or any Seven or more of them, are hereby authorized and impowered, by Precept or Precepts under their Hands, from time to time as Occaſion ſhall require, to call before them all and every Perſon or Perſons whatſoever, who ſhall be thought proper or neceſſary to be examined as Witneſſes before them on their Oath or Oaths, or on their ſolemn Affirmation if the Perſon or Perſons ſo to be examined be of the Profeſſion of the People called Quakers, touching and concerning the Premiſſes. And the ſaid Commiſſioners, or any Seven or more of them, if they think fit, ſhall and may likewiſe authorize the ſaid Jury to view the Place or Places, or Matters in Queſtion, in ſuch Manner as they ſhall direct; and the ſaid Commiſſioners, or any Seven or more of them, ſhall have Power to adjourn ſuch Meeting from Day to Day, as Occaſion ſhall require, and to command ſuch Jury, Witneſſes, and Parties to attend, until all ſuch Affairs, for which they were ſummoned, ſhall be concluded; and the ſaid Jury upon their Oaths, (which Oaths, as alſo the Oaths or ſolemn Affirmation to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, or produce Deeds, Papers, Books, or Writings, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered and required to adminiſter) ſhall inquire of the Value of ſuch Lands, Tenements, and Hereditaments, and of the reſpective Eſtate and Intereſt of every Perſon ſeized or poſſeſſed of, or intereſted therein, or of or in any Part thereof, and ſhall aſſeſs the Sum or Sums to be paid to every ſuch Perſon or Perſons for the Purchaſe of ſuch their Eſtates and Intereſts; and the ſaid Commiſſioners, or any Seven or more of them, ſhall and may give Judgement for ſuch Sum or Sums of Money ſo to be aſſeſſed, which ſaid Verdict or Verdicts, and the ſaid Judgement, Decree, or Determination thereupon (Notice in Writing being given to the Perſon or Perſons intereſted, at leaſt Twenty Days before the Time of ſuch Aſſeſſment, declaring the Time and Place of the Meeting of the ſaid Commiſſioners and Jury, by leaving ſuch Notice at the Dwelling-houſe of ſuch Perſon or Perſons, or at his, her, or their uſual Place or Places of abode, or with ſome Tenant or Occupier of ſome of the ſaid Lands, Tenements, or Hereditaments intended to be valued and aſſeſſed, in caſe ſuch Party cannot otherwiſe be found out to be ſerved with ſuch Notice) ſhall be binding and concluſive to all Intents and Purpoſes whatſoever, againſt the King's Majeſty, his Heirs, and Succeſſors, and all and every other Perſon or Perſons, Bodies Politick and Corporate, claiming any Eſtate, Right, Title, Truſt, Uſe, or Intereſt in, to, or out of the ſaid Lands, Tenements, or Hereditaments, and Premiſſes, either in Poſſeſſion, Reverſion, Remainder, or Expectancy, as well Infants and Iſſue unborn, Lunaticks, Ideots, and Femes Covert, and Perſons under any other legal Incapacity or Diſability, and all other Ceſtuique Truſts, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, as againſt all other Perſons whatſoever; and the ſaid Verdicts, Judgements, and Decrees, and all other Proceedings of the ſaid Commiſſioners and Juries, ſo to be made, given, and pronounced, as aforeſaid, ſhall be fairly written on Parchment, and ſigned and ſealed by any Five or more of the ſaid Commiſſioners preſent at the making and pronouncing of the ſame; and ſuch Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings of the ſaid Commiſſioners and Juries, as relate to or concern any Lands, Tenements, or Hereditaments in the County of Middleſex, ſhall be tranſmitted to, and entered or docqueted in the Regiſter's Office in the County of Middleſex; and ſuch of the ſaid Verdicts, Judgements, Sentences, Decrees, Orders, and other Proceedings as relate to or concern any Lands, Tenements, or Hereditaments in the County of Surrey, ſhall be tranſmitted to and kept among the Records of the Quarter-ſeſſions of the ſame County; and the ſaid Verdicts, Judgements, Sentences, Decrees, and Orders, and other Proceedings, ſhall be deemed and taken to be Records to all Intents and Purpoſes whatſoever; and the ſame, or true Copies thereof, ſhall be deemed and taken to be good and effectual Evidence and Proof in any Court or Courts of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame gratis, and take Copies thereof, paying for every Copy not exceeding Two hundred Words, Six Pence, and ſo proportionably for any greater or leſſer Number of Words.

Commiſſioners Judgement thereupon to be final.

Their and the Juries Proceedings to be kept among the Records of *Middleſex* and *Surrey* reſpectively.

III. And it is hereby further enacted and declared, That upon Payment of ſuch Sum or Sums of Money ſo to be awarded or adjudged, the Perſon or Perſons to whom the ſame is ſo awarded for the Purchaſe of the ſaid Lands, Tenements, and Hereditaments, or for the Purchaſe of any Eſtate or Intereſt therein, ſhall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Aſſignments, and Aſſurances in the Law to the ſaid Commiſſioners, or to any Perſon or Perſons, to whom the ſaid Commiſſioners, or any Seven or more of them, ſhall direct and appoint, in Truſt for the ſaid Commiſſioners, of the ſaid Lands, Tenements, and Hereditaments, or of ſuch Eſtate or Intereſt, for which ſuch Sum or Sums of Money were ſo awarded; and ſhall procure all neceſſary Parties to execute ſuch Conveyances, Aſſignments, and Aſſurances, and ſhall do all Acts, Matters, and Things neceſſary or requiſite to make a clear, good, and perfect Title to the ſaid Commiſſioners; and ſuch Conveyances, Aſſignments, and Aſſurances ſhall contain all ſuch reaſonable and uſual Covenants, as ſhall on the Part of the ſaid Commiſſioners be required: And in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums ſhall be ſo awarded as aforeſaid, ſhall not be able to evince their Title to the Premiſſes to the ſaid Commiſſioners, and to make, or procure to be made, good, valid, and legal Conveyances thereof to the ſaid Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, or ſhall refuſe ſo to do, being thereto required, and ſuch Sum or Sums ſo aſſeſſed and awarded as aforeſaid being produced and tendered to be paid to them on their making ſuch Title, and executing and procuring to be executed

On Payment of the awarded Purchaſe-money, legal Conveyance to be made to the Commiſſioners.

ſuch

such Conveyances, Assignments, or Assurances, as aforesaid; or if in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found in the County where the Lands, Tenements, Hereditaments, and Premisses, for which the said Sums are so assessed or awarded, lie; or in case that, by reason of Disputes depending in any Court of Law or Equity, or for Defect of Evidence, it shall not appear to the said Commissioners, or any Seven or more of them, what Person or Persons is or are intitled to the Premisses in Question; that then, and in all and every such Case and Cases as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to order the said Sum or Sums so assessed and awarded as aforesaid, as the Value of, and Purchase Money for, the said Lands and Tenements, to be paid into the Bank of England for the Use of the Parties interested in the said Premisses, to be paid to them and every of them, according to their respective Estates and Interests in the said Premisses, at such Time as the said Commissioners, or any Seven or more of them, shall by Warrant or Warrants under their Hands order and direct; and the Cashier or Cashiers of the Bank of England, who shall receive such Sum and Sums, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what Premisses, and for whose Use the same is or are received, to such Person as shall pay such Sum or Sums into the Bank of England as aforesaid; which Receipt or Receipts, and also such Receipt or Receipts as the said Cashier or Cashiers has or have given, or shall give for any Sum or Sums which has already been paid into the Bank of England, in consequence of any Verdict and Judgement of the said Commissioners concerning or affecting any such Lands, Tenements, and Hereditaments, as aforesaid, shall be entered on Record, and registered in such Place, and in such Manner, as the said Verdict, Judgement, and other Proceedings are herein before required to be kept; and immediately on such Payment and Registry all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons for whose Use such Money was paid, in, to, and out of the said Lands, Tenements, Hereditaments, and Premisses, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes, as fully and effectually as if he or they, and every Person having any Estate in the Premisses in Trust for them, or to their Use, had actually conveyed the same by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery and Seizin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons, to whose Use such Payment was made, but also shall extend to, and be deemed and construed to bar, the Dower or Dowers of the Wife and Wives of such Person or Persons, and all Estates Tail, in Reversion or Remainder against the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as a Fine or Recovery would do, or would have done, if levied by the proper Parties in due Form of Law.

If the Property of Lands, &c. cannot be readily ascertained,

the Purchase-money to be paid into the Bank of *England*,

and the Property vested in the Commissioners:

IV. Provided always, That it shall and may be lawful for the said Commissioners, or any Seven or more of them, after such Payment into the Bank and Registry as aforesaid, at the Petition of any Person or Persons in Possession of such Lands, Tenements, or Hereditaments, to place out or invest, or to cause to be placed out or invested, such Sum or Sums of Money, or any Part thereof, in some of the publick Funds, or on Government Security at Interest, in the Name of the Commissioners, or any Seven of them, or in the Names of any Person or Persons authorized and appointed by the said Commissioners for that Purpose, in Trust, to transfer and assign the same to such Person or Persons to whom the Premisses belong, on their executing proper Conveyances thereof; and in the mean Time in Trust to pay the Interest and Dividends arising therefrom to such Person or Persons, who was or were in Possession of the said Premisses at the Time of the said Payment into the Bank.

Purchase-money may be placed in some of the publick Funds,

to the use of the Persons who shall make proper Conveyances.

V. Provided always, and it is hereby enacted, That all and every Person or Persons, who would be, or has or have been, intitled to recover the Mesne Profits of the Premisses against the Person or Persons in Possession, in case the same had not been so conveyed to the Commissioners as aforesaid, shall be intitled to recover the Sum or Sums arising or to arise from such Interest and Dividend as aforesaid, by Action of Debt against the Person or Persons who shall receive the same: And the said Commissioners, or any Seven or more of them, are hereby impowered and authorized to make such Order as aforesaid on the Bank, for the Payment of such Sum or Sums of Money, or any Part thereof, as shall be necessary, in order to their being so invested in publick Securities: And the said Commissioners shall be quieted in the Possession of the Lands, Tenements, and Hereditaments, for which such Money is so paid as aforesaid, and shall not be answerable or accountable in any Court of Law or Equity, for the Money so deposited and placed out as aforesaid, any otherwise than according to the Tenor, Purport, and true Meaning of this Act.

Commissioners to remain in quiet Possession.

VI. And be it further enacted and declared, That in case of Default of a sufficient Number of Jurymen to be sworn for the Purpose of this Act, or of Non-attendance, or Default or wilful Neglect of any Person or Persons, contrary to the true Intent and Meaning of this Act, and in Disobedience hereto, whether High Bailiff, Sheriff, or their respective Deputy or Deputies, Bailiffs or Agents, or Persons summoned on a Jury, or to produce Deeds or Writings, or to give Evidence; the Commissioners, or any Seven or more of them, shall proceed in such Manner, and shall impose such Fine or Fines, and apply the same, as in any Case or Cases they or any of them were impowered and authorized by an Act made in the Twelfth Year of His present Majesty, intituled, An Act to enlarge the Powers of the Commissioners for building a Bridge cross the River *Thames*, from the *Woolstaple*, or thereabouts, in the Parish of Saint *Margaret* in the City of *Westminster*, to the opposite Shore in the County of *Surrey*; and to enable them by a Lottery to raise Money for the several Purposes therein mentioned, and to enlarge the Time for exchanging Tickets unclaimed in the last Lottery for the said Bridge, and to make Provision for Tickets in the said Lottery, lost, burnt, or otherwise destroyed.

Commissioners to fine Defaulters on the Jury.

VII. And

Purchaſe-money of Eſtates of Femes Covert, how to be applied.

VII. And be it further enacted, That in caſe any Feme Covert, or Femes Covert, is, are, or ſhall be ſeized in Fee-ſimple, or in Tail, general or ſpecial, of any ſuch Lands, Tenements and Hereditaments ſo to be purchaſed as aforeſaid by the ſaid Commiſſioners, or of any Intereſt in the ſame, to her or their ſeparate Uſe, free from the Controul or Intermeddling of her or their Husband or Husbands, that the Purchaſe-money ariſing from the Sale of ſuch Eſtate or Intereſt of ſuch Feme Covert, or Femes Covert, on the Conveyance of ſuch Eſtate or Intereſt to the ſaid Commiſſioners, ſhall be paid either to the Husband or Husbands of ſuch Feme Covert or Femes Covert, at her or their Requeſt, or to ſuch Perſon or Perſons, as ſhe or they ſhall by Writing or Writings under her or their Hands nominate to receive the ſame, in Truſt to be by them reinveſted in Lands, Tenements, or Hereditaments, to be by them conveyed and ſettled for ſuch Uſe, Eſtate, and Intereſt, as the ſaid Feme Covert, or Femes Covert, had in the Premiſſes ſo purchaſed by the ſaid Commiſſioners.

Conveyances to be inrolled at *Weſtminſter* within Six Months after making.

VIII. And be it further enacted by the Authority aforeſaid, That the Conveyance of any ſuch Eſtate or Intereſt of any Feme Covert or Femes Covert to the ſaid Commiſſioners, or any Perſon or Perſons in Truſt for them, by Bargain and Sale acknowledged by ſuch Feme Covert or Femes Covert, in ſuch Manner as Bargains and Sales are by the Bargainee or Bargainees uſually acknowledged and inrolled in any of His Majeſty's Courts at Weſtminſter, within Six Months after the making thereof, ſhall as effectually and abſolutely convey the Eſtate and Intereſt of ſuch Feme Covert or Femes Covert in the Premiſſes, as any Fine or Fines would have done, if levied thereof in due Form of Law: And further that all Bargains and Sales whatſoever made or to be made of any ſuch Lands, Tenements, and Hereditaments, as the ſaid Commiſſioners are or ſhall be impowered and authorized to purchaſe as aforeſaid, to the ſaid Commiſſioners, or Perſon or Perſons in Truſt for them, ſhall have the Force, Effect, and Operation in Law to all Intents and Purpoſes, which any Fine or Fines, Recovery or Recoveries whatſoever would have had, if levied or ſuffered by the Bargainee or Bargainees, or any Perſon or Perſons ſeized of any Eſtate in the Premiſſes, in Truſt for, or to the Uſe of ſuch Bargainee or Bargainees, in any legal Manner or Form whatſoever.

Perſons claiming a Right to any Eſtate conveyed to Commiſſioners,

mayenter their Claim within 5 Years from the Date of the Inrollment,

in a Book kept by the Regiſter of *Middleſex*:

IX. And be it further enacted by the Authority aforeſaid, That all and every Perſon whatſoever, having any Right, Title, Intereſt, Uſe, Property, Claim, or Demand whatſoever, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy, in, to, or out of any Lands, Tenements, or Hereditaments, or any other the Premiſſes, which the ſaid Commiſſioners are or ſhall be impowered or authorized to purchaſe as aforeſaid, which are or ſhall be conveyed, or mentioned or intended to be conveyed, to the ſaid Commiſſioners, or to any Perſon or Perſons in Truſt for them, by any ſuch Bargain and Sale as aforeſaid, ſhall within the Space of Five Years to be computed from the Date of the Inrolment of ſuch Bargain and Sale, enter a Memorial of ſuch their Right, Title, Intereſt, Uſe, Property, Claim, or Demand, in a Book to be for that Purpoſe prepared and kept by the Regiſter of the County of Middleſex; which Book the ſaid Regiſter is hereby required to prepare and keep accordingly; and for which Entry and Regiſtry the ſaid Regiſter ſhall be intitled to ſuch Fee, and no other, as he was before the making this Act, by Law intitled to for the Regiſtry of a Memorial containing the ſame Number of Words.

Claim not entered and proſecuted in Five Years, Claimant loſes his Right.

And all and every Perſon or Perſons whatſoever, not entering ſuch their Right, Claim, and Demand within ſuch Time and in ſuch Manner as aforeſaid, or having ſo entered the ſame, and not proſecuting ſuch their Right, Claim, or Demand with Effect, within the Space of Five Years, to be computed from the Time of ſuch Entry, ſhall be for ever barred of all Right, Title, Uſe, Equity, Property, Claim, or Demand whatſoever, whether in Poſſeſſion, Reverſion, Remainder, or Expectancy, in, to, upon, or out of the ſaid Premiſſes, and every Part thereof; and the Commiſſioners, and thoſe claiming to, from, and under them, ſhall be quieted in the Poſſeſſion of all ſuch Lands, Tenements, Hereditaments, and Premiſſes; any Law, Statute, Uſage, Matter, or Thing whatſoever to the contrary notwithſtanding.

Purchaſe-money how to be recovered, if illegallydetained.

X. Provided nevertheleſs, That any Perſon or Perſons barred of any Right, Title, Eſtate, Intereſt, Claim, or Demand whatſoever, in, to, or out of the ſaid Lands, Tenements, and Hereditaments, by virtue of this Act, ſhall be at Liberty to bring any Action or Actions of Debt for Money had and received to his or their Uſe, againſt any Perſon or Perſons, or the legal Repreſentative of any Perſon or Perſons, who received the Purchaſe-money ariſing from ſuch Sale of the ſaid Lands, Tenements, and Hereditaments, or Premiſſes, as aforeſaid; and on Proof of ſuch Title as would have enabled them to recover ſuch Lands, Tenements, or Hereditaments, or any Part thereof, or any Eſtate or Intereſt in the ſame, that then, and in every ſuch Caſe, they ſhall recover the ſaid Purchaſe-money, or ſo much thereof as ſhall be equivalent to their Intereſt in the ſaid Premiſſes, together with ſuch Intereſt as ſhall be equivalent to the Meſne Profits of the Premiſſes which they would have been intitled to recover out of the Premiſſes, in caſe this Act had not been made.

Tenants in Poſſeſſion, how to act.

XI. And be it further enacted, That all and every Tenant at Will, or Leſſee for a Year, or other Perſon or Perſons in Poſſeſſion of any ſuch Lands, Tenements, Hereditaments, and Premiſſes, or any Part thereof, which ſhall be purchaſed by the ſaid Commiſſioners as aforeſaid, who ſhall have no greater Intereſt in the Premiſſes than as Tenant at Will, or as Leſſee by Parol for a Year, or from Year to Year, ſhall deliver up the Poſſeſſion of ſuch of the Premiſſes immediately to the Commiſſioners, or to ſuch Perſon as they, or any Seven or more of them, ſhall appoint to take Poſſeſſion of the ſame, in caſe the ſaid Commiſſioners, or any Perſon authorized by them, or any Seven or more of them, ſhall tender or pay ſuch Perſon or Perſons Three Months Rent of the ſaid Premiſſes; or in caſe the ſaid Commiſſioners, or any Seven or more of them, or any Perſon or Perſons authorized by them, ſhall give the Perſon ſo in Poſſeſſion as aforeſaid Three Months Notice to quit the ſame, then ſuch Perſon or Perſons ſhall at the End of the ſaid Three Months, or ſo ſoon after as they ſhall be required, peaceably and quietly deliver up the Poſſeſſion of the ſaid Premiſſes to the ſaid Commiſſioners, or any Seven or more of them, or any Perſon

or

or Persons authorized by the said Commissioners to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, that it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, to issue their Precept or Precepts to the High Bailiff of Westminster, or the Sheriff for the County of Surrey, as the Case shall require, to deliver Possession of the Premisses to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said High Bailiff and Sheriff are hereby required to deliver such Possession accordingly of the said Premisses, and to levy such Costs which shall accrue from the Issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of Goods.

Directions for Mortgagees.

XII. And be it further enacted by the Authority aforesaid, That all and every Person who shall have any Mortgage or Mortgages on any such Lands, Tenements, and Hereditaments, as aforesaid, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall on the Tender of the principal Money and Interest due on the said Mortgage, together with Six Months Interest of the said principal Money, by the said Commissioners, or any Seven or more of them, or any Person authorized by them or any Seven or more of them, immediately assign such Mortgage or Mortgages to the said Commissioners, or to such Person or Persons as they shall appoint, in Trust for them; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Commissioners, or any Seven or more of them, that they will pay off and discharge the Principal and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Months, to be computed from such Notice given; that then, at the End of the said Six Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall assign their Interest in the Premisses to the said Commissioners, or such Person or Persons as they shall appoint, in Trust for them; and in case such Mortgagee or Mortgagees shall refuse so to assign, as aforesaid, on such Tender or Payment, that then all Interest on every such Mortgage shall cease and determine.

XIII. And whereas the Money already raised for and towards the building of the said intended Bridge will not be sufficient to answer and defray the Expences of finishing and compleating the said Building, and other necessary Works, by the said before mentioned Acts and this present Act directed; be it enacted by the Authority aforesaid, That for and towards the raising a Sum not exceeding Three hundred twenty five thousand Pounds for the Purposes herein mentioned, it shall and may be lawful for any Person or Persons whatsoever, Natives or Foreigners, Bodies Politick or Corporate, to contribute or advance for and towards the raising the Sum of Three hundred twenty five thousand Pounds, by paying at or before the respective Days or Times to be appointed, as hereafter is mentioned in that Behalf, into the Bank of England, or to such Cashier or Cashiers as shall by the Directors of the Bank be appointed for that Purpose, the Sum of Five Pounds, or divers intire Sums of Five Pounds, for which Sum or Sums so advanced, he, she, or they so advancing the same, shall be intitled to receive, by virtue of this Act, such Sum or Sums of Money as are hereby directed or appointed; and such Sum or Sums of Five Pounds each are hereby directed to be paid into the said Bank, or to the Cashier or Cashiers to be appointed as aforesaid, at such time or times, and in such Proportions at a time, on or before such a Day, as shall by the hereafter mentioned Managers and Directors be appointed in that Behalf, who are hereby directed and required to give publick Notice of the same in the London Gazette. *

325,000 *l.* to be advanced by 5 *l.* Lottery Tickets.

* *The 17 following Sections, directing the giving out the Tickets, and the drawing of the Lottery, are omitted.*

XXXI. And it is hereby further enacted by the Authority aforesaid, That for raising a Fund for the building the said Bridge, and other Purposes herein mentioned, out of the Money to be contributed upon the Credit of this Act, there shall be deducted out of the whole Sum, to which the Prizes, described by this Act, and to be drawn in, and result from the said Lottery shall amount unto, the Sum of Forty eight thousand seven hundred and fifty Pounds, being after the Rate of Fifteen Pounds for every Hundred Pounds of such Account of the said Prizes, and which said Sum of Forty eight thousand seven hundred and fifty Pounds is intended to be paid, and is hereby reserved to be issued and applied, for the Purposes in this Act mentioned. *

15 *l.* for every 100 *l.* amounting in the whole to 48,750 *l.* to be deducted.

* *The Three next Sections, direct the paying of the Prizes, and are omitted.*

XXXV. And be it further enacted, That the Proprietors of such Tickets to be drawn in such Lottery as aforesaid, and each and every of them, shall on or before the Fifteenth Day of March, One thousand seven hundred and forty one, apply to the said Managers and Directors appointed as aforesaid, for Certificates in Exchange for such Tickets as aforesaid.

Proprietors to apply for Certificates by 15 *March*, 1741.

XXXVI. And be it further enacted by the Authority aforesaid, That the said Cashier or Cashiers to be appointed as aforesaid, for receiving the Money to be raised by this Act, shall from time to time, when thereunto required by Writing under the Hands of the said Commissioners, or any Seven or more of them, exhibit or cause to be exhibited to them a just and true Account of the Monies raised by virtue of this Act, and how the same has been disposed of, to the Time of exhibiting such Account.

Cashier to account to the Commissioners.

XXXVII. And it is hereby further declared and enacted by the Authority aforesaid, That the Residue of the Money arising and to be contributed by virtue of and upon the Credit of this Act, which after Payment of the Sum and Sums of Money hereby directed to be issued to the Proprietors of the Tickets in the said Lottery, and other the Allowances to be made pursuant to this Act, and the Payment of the Sallaries and Rewards to the said Managers and Directors, and the Clerks, Agents and Officers employed by them, and other the incident Charges and Expences attending the passing and execution of this Act as aforesaid, will then remain, shall be paid into the Hands of such Treasurer or Treasurers as shall be appointed under the Hands and Seals of the said Commissioners, or any Seven or more of them, pursuant to this Act, at such Times, and by such Sums as the said Commissioners, or any Seven or more of them, shall from time to time direct and appoint (such Treasurer or Treasurers first giving Security to the said Commissioners, or any Seven or more of them, for the due Application of the said Money, and accounting for the same) and shall be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and making and

Residue of the Monies to be applied to the building the Bridge.

widening the Paſſages and Ways thereto from time to time, and the purchaſing ſuch Houſes and Grounds as aforeſaid, in ſuch Manner, and at ſuch Times, as the ſaid Commiſſioners, or any Seven or more of them, ſhall from time to time direct.

XXXVIII. And whereas many evil-diſpoſed Perſons, out of a Deſire of exorbitant Gain, may attempt to defraud ignorant People of their Money, by ſelling the Chances of Tickets, or by diſpoſing of Shares of Tickets, or by giving Receipts or Notes to be reſponſible for Money in caſe certain Tickets prove fortunate, or by laying Wagers whether particular Tickets may be drawn in a certain Time, or may prove fortunate or unfortunate, or by other Ways, Means, or Contrivances, may cheat and delude ignorant People, if a ſufficient Proviſion be not made to prevent the ſame; be it therefore further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall ſell the Chance or Chances of any Ticket or Tickets in the ſaid Lottery, or any Share or Shares in any Ticket or Tickets in the ſaid Lottery, for a Day, or Part of a Day, or for a longer Time leſs than the whole Time of Drawing the Lottery then to come, or ſhall receive any Money whatſoever in Conſideration of the Repayment of any Sum or Sums of Money in caſe any Ticket or Tickets in the ſaid Lottery ſhall prove fortunate, or ſhall lay any Wager relating to the Drawing of any Ticket or Tickets in the ſaid Lottery, either as to the Time of ſuch Ticket or Tickets being drawn, or whether ſuch Ticket or Tickets be drawn fortunate or unfortunate; and all and every Perſon and Perſons who ſhall offend in any of the afore mentioned Matters, ſhall forfeit and pay treble the Sum and Sums of Money, which ſhall have been received by ſuch Perſon and Perſons contrary to the true Intent and Meaning of this Act, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoign, Protection, Wager of Law, or more than one Imparlance ſhall be allowed, one Moiety thereof to the Uſe of the poor, aged, decayed, and maimed Watermen and their Widows of the Pariſhes of Saint Margaret and Saint John the Evangeliſt in Weſtminſter, and the other Moiety thereof to the Uſe of him, her, or them, who ſhall ſue for the ſame.

Penalty on ſelling Chances of Tickets for leſs than the whole Time of drawing.

500 *l.* Penalty on ſelling Intereſts in Tickets not in the Perſons Poſſeſſion.

XXXIX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall keep any Office or Offices, or ſhall print or publiſh any Scheme or Propoſal for receiving any Sum or Sums of Money in Conſideration of an Intereſt to be granted for the ſame in any Ticket or Number of Tickets in the ſaid Lottery, whereof ſuch Perſon or Perſons ſhall not then be actually poſſeſſed, or in Conſideration of any Sum or Sums of Money to be repaid in caſe any Ticket or Number of Tickets in the ſaid Lottery, which ſhall not be in the actual Poſſeſſion of ſuch Perſon or Perſons, ſhall prove fortunate, all and every ſuch Perſon and Perſons ſhall forfeit and pay the Sum of Five hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, in which no Eſſoign, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed, one Moiety thereof to the Uſe of the poor, aged, decayed Watermen and their Widows aforeſaid, and the other Moiety thereof to the Uſe of him, her, or them who ſhall ſue for the ſame, and alſo ſhall ſuffer Three Months Impriſonment without Bail or Mainprize.

Proviſion, in caſe all the Tickets be not ſubſcribed for.

XL. Provided always, and it is hereby enacted by the Authority aforeſaid, That in caſe the Number of Sixty five thouſand Tickets in ſuch intended Lottery ſhall not be ſubſcribed for, or ſhall not be agreed and declared by the ſaid Commiſſioners, or any Seven or more of them, to be drawn and riſqued for the Uſe and on Account of the Bridge, within the reſpective Times to be limited, and appointed, and declared, purſuant to this Act in that Behalf, then alſo, and in ſuch caſe, the Governor and Company of the Bank of England, or the Caſhier or Caſhiers by them to be appointed, are hereby authorized and required to repay the Money which ſhall then have been advanced, contributed, and paid in upon the Credit of this preſent Act, to the reſpective Perſon or Perſons who ſhall have ſo advanced, contributed, and paid in the ſame, or to the Perſon or Perſons who ſhall produce the Receipts ſigned by the ſaid Caſhier or Caſhiers for the ſame.

Charges of obtaining this Act to be ſpeedily diſcharged.

XLI. And be it further enacted by the Authority aforeſaid, That all ſuch Coſts and Charges as ſhall be expended in obtaining, or by reaſon of paſſing this preſent Act, and ſuch Money as ſhall appear to be due to any Perſon or Perſons employed in purſuance thereof, ſhall, as ſoon as may be, be paid out of the Money to be raiſed by virtue thereof, or out of the Monies already raiſed by virtue of any of the ſaid former Acts.

Publick Act.

XLII. And be it further enacted, That this Act ſhall be a Publick Act, and ſhall be ſo deemed and taken to be, and ſhall and may in all Caſes be given in Evidence on the General Iſſue, and that the ſame need not be ſpecially pleaded.

CAP. XVII.

An Act for the Increaſe of Mariners and Seamen to navigate Merchants Ships and other Trading Ships or Veſſels.

Preamble.

WHEREAS it is neceſſary to give all fitting Encouragement to Perſons to apply themſelves to the Sea Service, and the Practice of Navigation, and alſo to Foreign Mariners and Seamen to engage in the *Britiſh* Service; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That every Perſon herein after mentioned ſhall be freed and exempted from being impreſſed into the Service of His Majeſty, His Heirs, or Succeſſors (that is to ſay) Every Perſon being of the Age of Fifty five Years, or upwards, and every Perſon not having attained the full Age of Eighteen Years, and every Foreigner, being a Mariner, Seaman, or Landman, who ſhall ſerve in any Merchant Ship, or other Trading Ship or Veſſel, or Privateer, belonging to the Subjects of the Crown of Great Britain.

Perſons exempted from being impreſſed.

Foſter's Reports. 173.

II. And for the Encouragement of able-bodied Landmen to betake themſelves to the Sea Service, be it further enacted by the Authority aforeſaid, That every Perſon of what Age ſoever he be, who ſhall uſe the Sea, ſhall be freed and exempted from being impreſſed for the full Space of Two Years, to be computed from the Time of his firſt going to Sea; and

and that every Perſon who, not having before uſed the Sea, ſhall bind himſelf Apprentice to ſerve at Sea, ſhall be freed and exempted from being impreſſed for the full Space of Three Years, to be computed from the Time of his binding himſelf Apprentice as aforeſaid.

III. And for the better ſecuring to all the Perſons before mentioned the Benefit intended them by this Act, be it further enacted by the Authority aforeſaid, That the Lord High Admiral of Great Britain, or Commiſſioners for executing the Office of Lord High Admiral for the time being, or any Three or more of them, ſhall, upon due Proof made before him or them of the reſpective Ages and Circumſtances (as the Caſe ſhall happen) of any of the Perſons before mentioned, grant a Protection to every ſuch Perſon to ſecure him from being impreſſed, for ſuch Time as by the true Intent and Meaning of this Act ſuch Perſon is to be freed and exempted from being impreſſed; all which Protections ſhall be granted without any Fee or Reward to be taken for the ſame. Lord High Admiral, &c. to grant Protections forthat Purpoſe, without Fee.

CAP. XVIII.

An Act to continue ſeveral Laws therein mentioned; for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes, for repairing Highways or Locks, or other Works erected by Authority of Parliament for making Rivers navigable; for preventing Exactions of the Occupiers of Locks and Wears upon the River of *Thames* weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River; for preventing frivolous and vexatious Arreſts; and for better ſecuring the lawful Trade of His Majeſty's Subjects to and from the *Eaſt Indies*, and for the more effectual preventing all His Majeſty's Subjects trading thither under foreign Commiſſions; and for limiting the Time for ſuing forth Writs of *Certiorari* upon Proceedings before Juſtices of the Peace; and for regulating the Time and Manner of applying for the ſame; for the better and more ſpeedy Execution of Proceſs within particular Franchiſes or Liberties; and for extending the Powers and Authorities of Juſtices of the Peace of Counties touching County Rates, to the Juſtices of the Peace of ſuch Liberties and Franchiſes as have Commiſſions of the Peace within themſelves.

WHEREAS the Laws herein after mentioned (which have by Experience been found uſeful and beneficial) are near expiring; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act made in the First Year of the Reign of His preſent Majeſty, intituled, An Act for puniſhing ſuch Perſons as ſhall wilfully and maliciouſly pull down or deſtroy Turnpikes, for repairing Highways, or Locks or other Works erected by the Authority of Parliament, for making Rivers navigable; which was to continue in Force from the Twenty fourth Day of June, One thouſand ſeven hundred and twenty eight, for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament; and which, by an Act made in the Fifth Year of the Reign of His preſent Majeſty, was further continued for Five Years, from the Twenty fourth Day of June, One thouſand ſeven hundred and thirty two, and from thence to the End of the then next Seſſion of Parliament; and which by another Act, made in the Eighth Year of the Reign of His preſent Majeſty, was further continued for Five Years, from the Fifteenth Day of May, One thouſand ſeven hundred and thirty five, and from thence to the End of the then next Seſſion of Parliament, ſhall be and is hereby further continued from the Expiration thereof, until the First Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty ſeven. 1 *Geo.* II. *c.* 19. Act againſt deſtroying Turnpikes, continued.

II. And be it further enacted by the Authority aforeſaid, That an Act made in the Third Year of the Reign of His preſent Majeſty, intituled, An Act for reviving and amending an Act made in the Sixth and Seventh Years of the Reign of his late Majeſty, King *William* the Third, intituled, *An Act to prevent Exactions of the Occupiers of Locks and Wears upon the River of* Thames *weſtward, and for aſcertaining the Rates of Water Carriage upon the ſaid River*, which was to continue in Force from the First Day of May, One thouſand ſeven hundred and thirty, for the Term of Nine Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and is hereby further continued from the Expiration thereof until the First Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty ſeven. 3 *Geo.* II. *c.* 11. Act to prevent Exactions at the Locks.

III. And be it further enacted by the Authority aforeſaid, That an Act made in the Twelfth Year of the Reign of his late Majeſty, intituled, An Act to prevent frivolous and vexatious Arreſts, which was to continue in Force from the Twenty fourth Day of June, One thouſand ſeven hundred and twenty ſix, for the Term of Five Years, and from thence to the End of the then next Seſſion of Parliament; and which by another Act made in the Fifth Year of the Reign of His preſent Majeſty, was explained, amended, and further continued for the Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and is hereby further continued from the Expiration thereof, until the First Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty ſeven. 12 *Geo.* I. *c.* 29. Act to prevent frivolous Arreſts.

IV. And be it further enacted by the Authority aforeſaid, That an Act made in the Fifth Year of the Reign of His preſent Majeſty, intituled, An Act for reviving an Act made in the Fifth Year of the Reign of his late Majeſty King *George* the First, intituled, *An Act for the better ſecuring the lawful Trade of his Majeſty's Subjects to and from the* East Indies, *and for the more effectual preventing all his Majeſty's Subjects trading thither under foreign Commiſſions*; which was to continue in Force from the First Day of May, One thouſand ſeven hundred and thirty two, for the Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament, ſhall be, and is hereby further continued from the Expiration thereof, until the First Day of June, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty ſeven. 5 *Geo.* II. *c.* 21. Act to ſecure the lawful Trade to the *Eaſt Indies*.

V. And for the better preventing vexatious Delays and Expence, occaſioned by the ſuing forth Writs of Certiorari, for the Removal of Convictions, Judgements, Orders, and other Proceedings before Juſtices of the Peace; be it further enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of June, which ſhall be in the Year of our

Writ of *Certiorari* how to be applied for.

Lord One thouſand ſeven hundred and forty, no Writ of Certiorari ſhall be granted, iſſued forth, or allowed, to remove any Conviction, Judgement, Order, or other Proceedings had or made by or before any Juſtice or Juſtices of the Peace of any County, City, Borough, Town Corporate, or Liberty, or the reſpective General or Quarter Seſſions thereof, unleſs ſuch Certiorari be moved or applied for within Six Kalendar Months next after ſuch Conviction, Judgement, Order, or other Proceedings ſhall be ſo had or made, and unleſs it be duly proved upon Oath, that the ſaid Party or Parties ſuing forth the ſame, hath or have given Six Days Notice thereof in Writing to the Juſtice or Juſtices, or to Two of them (if ſo many there be) by and before whom ſuch Conviction, Judgement, Order, or other Proceeding ſhall be ſo had or made, to the End that ſuch Juſtice or Juſtices, or the Parties therein concerned, may ſhew cauſe, if he or they ſhall ſo think fit, againſt the iſſuing or granting ſuch Certiorari.

Sheriffs to appoint Deputies at the Requeſt of Lords of Liberties.

VI. And for the better and more ſpeedy Execution of Proceſs within particular Franchiſes or Liberties, be it further enacted by the Authority aforeſaid, That from and after the Third Day of November, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty, the Sheriff of every Shire, being no City or Town made a Shire, within which there is any Franchiſe or Liberty, the Lord or Proprietor whereof is of Right intitled to the Return of Writs within ſuch Franchiſe or Liberty, ſhall (if required by any ſuch Lord or Proprietor) within one Month next after ſuch Requeſt made to him for that Purpoſe, nominate and appoint One or more ſufficient Deputy or Deputies, at the proper Coſts and Charges of ſuch Lord or Proprietor, to be reſident at ſome convenient Town or Place in or near ſuch Franchiſe or Liberty, to be for that Purpoſe appointed by the Lord High Chancellor of Great Britain and the Chief Juſtices of His Majeſty's Courts of King's Bench and Common Pleas for the time being, or any One of them, who is and are hereby authorized and impowered to appoint ſuch convenient Town or Place, as to him or them ſhall ſeem meet, and to ſettle and direct what Coſts or Charges ſhall be paid therefore by ſuch Lord or Proprietor; and ſuch Deputy or Deputies ſhall reſide at ſuch Town or Place ſo to be appointed as aforeſaid, and ſhall have Authority in the Sheriff's Name, and is and are reſpectively authorized and impowered, to receive and open all ſuch Writs and Proceſs (the Execution or Return whereof doth of Right belong to the Lord or Proprietor of any ſuch Franchiſe or Liberty) and thereupon in the Name, and under the Seal of the Sheriff, to make and iſſue out ſuch Warrant or Warrants to ſuch Lord or Proprietor, as by Law is requiſite, for the due Execution of ſuch Writs or Proceſs; and every ſuch Deputy or Deputies is and are hereby required, upon Tender of any ſuch Writ or Proceſs, to receive and open the ſame, and to iſſue out ſuch Warrant thereon, without Delay, in ſuch Manner and Form as the Sheriff himſelf may or ought to do, without taking any further or other Fee than what is now due and accuſtomed for ſuch Warrant, upon Pain that every ſuch Sheriff or Deputy reſpectively, who ſhall be guilty of any wilful Neglect or Default in the Premiſſes, ſhall be liable to be puniſhed for the ſame, as for a Contempt of One of His Majeſty's ſaid Courts of Chancery, King's Bench, or Common Pleas (as the Caſe ſhall require) and ſhall likewiſe make Satisfaction to the Party or Parties that ſhall receive Damage thereby.

12 *Geo.* II. *c.* 29. Sect. 5

VII. And whereas by an Act paſſed in the Twelfth Year of His preſent Majeſty's Reign, intituled, *An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates*, ſeveral Powers and Authorities are given to the Juſtices of the Peace in that Part of *Great Britain* called *England*, within the reſpective Limits of their Commiſſions, at their General or Quarter Seſſions, from time to time to make one General Rate or Aſſeſſment for ſuch Sum or Sums of Money as they in their Diſcretion ſhall think ſufficient to anſwer all and every the Ends and Purpoſes of the ſeveral Acts therein recited; but there being a Proviſo in the ſaid Act, that the ſame, or any thing therein contained, ſhould not extend or be conſtrued to extend, to make any Perſons, Liberties, Diviſions, or Places liable to pay to any Rate to be made in purſuance of the ſaid Act, to which ſuch Perſon, Liberty, Diviſion, or Place did not, or was not liable to contribute before the paſſing thereof; ſome Doubts have ariſen whether the ſaid Act doth extend to Liberties and Franchiſes, which are not within the Juriſdiction of the Commiſſions of the Peace for the Counties in which ſuch Liberties and Franchiſes lie, and ſo never did nor were liable to contribute to the ſaid County Rates; to the End therefore that ſuch Liberties and Franchiſes may not be wholly deprived of the Benefit of the ſaid in Part recited Act, it is hereby declared and enacted by the Authority aforeſaid, That where any Liberties or Franchiſes within that Part of Great Britain called England, have Commiſſions of the Peace within themſelves, and are not ſubject to the Juriſdiction of the Commiſſions of the Peace for the Counties in which ſuch Liberties or Franchiſes lie, and do not, nor did before the making the ſaid in Part recited Act, contribute or pay to the ſeveral Rates made for the ſaid Counties; it ſhall and may be lawful to and for the Juſtices of the Peace of ſuch Liberties and Franchiſes, within the reſpective Limits of their Commiſſions, to have, uſe, and exerciſe all and ſingular the Powers, Authorities, and Methods, given or preſcribed by the ſaid in Part recited Act, and all ſuch Liberties and Franchiſes are hereby declared to be ſubject thereto, in the ſame Manner to all Intents and Purpoſes, as Counties at large are; any thing in the ſaid in Part recited Act contained, or any Law, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

Juſtices of Peace for Liberties, to act with the ſame Power as Juſtices for the County, in collecting County Rates.

CAP. XIX.

16 Car. 2. C. 7. 18 G. 2. C. 34.

An Act to reſtrain and prevent the exceſſive Increaſe of Horſe Races, and for amending an Act made in the laſt Seſſion of Parliament, intituled, *An Act for the more effectual preventing of exceſſive and deceitful Gaming*.

Preamble.

Strange. 1238.

WHEREAS the great Number of Horſe Races for ſmall Plates, Prizes, or Sums of Money, have contributed very much to the Encouragement of Idleneſs, to the Impoveriſhment of many of the meaner Sort of the Subjects of this Kingdom, and the Breed of ſtrong and uſeful Horſes hath been much prejudiced thereby; for Remedy thereof, may it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament

ment assembled, and by the Authority of the same, That from and after the Twenty fourth Day of June, One thousand seven hundred and forty, no Person or Persons whatsoever shall enter, start, or run any Horse, Mare, or Gelding for any Plate, Prize, Sum of Money, or other Thing, unless, such Horse, Mare, or Gelding shall be truly and bona fide the Property of, and belonging to such Person so entering, starting, or running the same Horse, Mare, or Gelding; nor shall any one Person enter and start more than one Horse, Mare, or Gelding, for one and the same Plate, Prize, or Sum of Money, or other Thing; and in case any Person or Persons shall after the said Twenty fourth Day of June, One thousand seven hundred and forty, enter, start, or run any Horse, Mare, or Gelding, not being the Property truly and bona fide of such Person so entering, starting, or running the same, for any Plate, Prize, Sum of Money, or other Thing, the said Horse, Mare, or Gelding, or the Value thereof, shall be forfeited, to be sued for and recovered, and disposed of in Manner as is herein after mentioned; and in case any Person or Persons shall enter and start more than one Horse, Mare, or Gelding, for One and the same Plate, Prize, or Sum of Money, or other Thing, every such Horse, Mare, or Gelding (other than the first entered Horse, Mare, or Gelding) or the Value thereof, shall be forfeited, to be sued for and recovered, and disposed of in Manner as herein after is mentioned.

Horses to be entered by the Owners,

and no more than one at a Time.

II. And be it further enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of June, One thousand seven hundred and forty, no Plate, Prize, Sum of Money, or other Thing, shall be run for by any Horse, Mare, or Gelding, or advertised, published, or proclaimed to be run for by any Horse, Mare, or Gelding, unless such Plate, Prize, or Sum of Money shall be of the full, real, and intrinsick Value of Fifty Pounds or upwards; and in case any Person or Persons shall from and after the Twenty fourth Day of June, One thousand seven hundred and forty, enter, start, or run any Horse, Mare, or Gelding for any Plate, Prize, Sum of Money, or other Thing of less Value than Fifty Pounds, or shall make, print, advertise, publish, or proclaim any Advertisement or Notice of any Plate, Prize, Sum of Money, or other Thing of less Value than Fifty Pounds as aforesaid, to be run for by any Horse, Mare, or Gelding; every such Person or Persons so entering, starting, or running such Horse, Mare, or Gelding for such Plate, Prize, Sum of Money, or other Thing of less Value than Fifty Pounds as aforesaid, shall forfeit and lose the Sum of Two hundred Pounds, to be sued for, recovered, and disposed of in such Manner as is herein after prescribed and directed; and every Person or Persons who shall make, print, publish, advertize, or proclaim any Advertisement or Notice of any Plate, Prize, Sum of Money, or other Thing of less Value than Fifty Pounds aforesaid, to be run for by any Horse, Mare, or Gelding, shall forfeit and lose the Sum of One hundred Pounds.

No Plate to be run for under 50 *l.* Value,

on Penalty of 200 *l.*

III. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and forty, no Horse, Mare, or Gelding, being of the Age of Five Years, shall be entered, started, or run for any Plate, Prize, Sum of Money, or other Thing whatsoever, unless such Horse, Mare, or Gelding shall carry Ten Stone Weight, computing Fourteen Pounds to each Stone Weight; and that no Horse, Mare, or Gelding, being of the Age of Six Years, shall be entered, started, or run for any Plate, Prize, Sum of Money, or other Thing whatsoever, unless such Horse, Mare, or Gelding shall carry Eleven Stone Weight, computing Fourteen Pounds to each Stone Weight; and that no Horse, Mare, or Gelding, being of the Age of Seven Years, shall be entered, started, or run for any Plate, Prize, Sum of Money, or other Thing whatsoever, unless such Horse, Mare, or Gelding shall carry Twelve Stone Weight, computing Fourteen Pounds to each Stone Weight; and in case any Person or Persons shall enter, start, or run any Horse, Mare, or Gelding, of either of the Ages aforesaid, for any Plate, Prize, Sum of Money, or other Thing, carrying less than the Weights herein before directed to be carried, such Horse, Mare, or Gelding, or the Value thereof, shall be forfeited, and the Person or Persons so entering, starting, or running such Horse, Mare, or Gelding, shall forfeit and lose the Sum of Two hundred Pounds.

repealed & altered by 10 G. 2. C. 34.

5 Years old Horses to carry 10 Stone,

6 Years old 11 Stone,

7 Years old 12 Stone.

Horses carrying less Weight, to be forfeited,

and Person entering, forfeits 200 *l.*

IV. Provided also, That every Race that shall be hereafter run for any Plate, Prize, or Sum of Money, be begun and ended in the same Day.

Race to be begun and ended in one Day.

V. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and forty, no Person or Persons whatsoever shall start or run any Match with or between any Horse, Mare, or Gelding, for any Sum of Money, Plate, Prize, or other Thing whatsoever, unless such Match shall be started or run at Newmarket Heath, in the Counties of Cambridge and Suffolk, or Black Hambleton in the County of York, or the said Sum of Money, Plate, Prize, or other Thing be of the real and intrinsick Value of Fifty Pounds, or upwards: And in case any Person or Persons shall start or run any such Match at any other Place than Newmarket Heath or Black Hambleton aforesaid, or for any Plate, Prize, Sum of Money, or other Thing of less Value than Fifty Pounds, every such Person or Persons shall forfeit and lose the Sum of Two hundred Pounds.

Matches to be at *Newmarket* and *Black Hambleton* only,

and for not less than 50 *l.*

on Penalty of 200 *l.*

10 G. 2. C. 34 Vid. 16 Car. 2. C. 7.

N. B. The Penalty extends beyond the Sum & therefore it seems that the Prohibition is only to Races & Matches

VI. And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures incurred by any Person or Persons for any Offence against this Act shall be sued for and recovered by any Action, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, or at the Assizes, and shall be disposed of, one Moiety thereof to the Use of such Person or Persons as shall so sue for the same, and the other Moiety to the Use of the Poor of such Parish or Place where the Offence shall be committed; except such one Moiety of such Penalties and Forfeitures as shall be incurred by, and recovered of any Person or Persons within the County of Somerset; which said one Moiety shall go and be applied to and for the Use and Benefit of the poor Persons admitted into the Hospital or Infirmary lately erected in the City of Bath, for the Benefit of poor Persons resorting to the said City for the Benefit of the Mineral Waters there.

one Half to the Use of the Informer, and the other to the Poor of the Parish;

but in *Somersetshire*, one Half shall be given to the Hospital at *Bath*.

10 G. 2. C. 3. seems to have altered this Clause.

VII. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and forty, all and every Sum or Sums of Money to be paid for entering of any Horse, Mare, or Gelding to start or run for any

Entrance Money to be paid to the second best Horse.

Plate, Prize, Sum of Money, or other Thing, shall go and be paid to the second best Horse, Mare, or Gelding, which shall start or run for such Plate, Prize, or Sum of Money, as aforesaid.

Gifts left for annual Races, not to be altered.

VIII. Provided always, That nothing herein contained shall extend, or be construed to extend to prevent the starting or running any Horse, Mare, or Gelding for any Plate, Prize, or other Thing or Things now issuing out of or paid for or by the Rents, Issues, and Profits of any Lands, Tenements, or Hereditaments, or of or by the Interest of any Sum or Sums of Money now chargeable with the same, or appropriated for that Purpose.

Act against excessive Gaming. 12 *Geo.* II. *c.* 28.

IX. And whereas a good and wholesome Law was made in the Twelfth Year of the Reign of His present Majesty King *George* the Second, intituled, *An Act for the more effectual preventing of excessive and deceitful Gaming*; but contrary to the true Intent and Meaning thereof, some fraudulent and deceitful Games have been invented, and a certain Game called *Passage* is now daily practised and carried on, to the Ruin and Impoverishment of many of His Majesty's Subjects; it is therefore hereby enacted and declared, That the said Game of Passage, and all and every other Game and Games invented or to be invented with One or more Die or Dice, or with any other Instrument, Engine, or Device in the Nature of Dice, having One or more Figures or Numbers thereon (Backgammon and the other Games now played with the Backgammon Tables only excepted) are and shall be deemed to be Games or Lotteries by Dice, within the Intent and Meaning of the said in Part recited Act; and all and every Person and Persons who shall set up, maintain, or keep any Office, Table, or Place (save and except as in the said in Part recited Act is provided and declared) for the said Game of Passage, or for any other such Game or Games, as aforesaid (Backgammon and the other Games now played with the Backgammon Tables only excepted) shall severally forfeit, be subject, and liable to, all and every the Penalties and Forfeitures in and by the said in Part recited Act inflicted upon any Person or Persons who shall erect, set up, continue, or keep any of the Games or Lotteries in the said in Part recited Act mentioned; and all and every Person or Persons who shall play, set at, stake, or adventure at the said Game of Passage, or at any other such Game, as aforesaid (Backgammon and the other Games now played with the Backgammon Tables only excepted) save and except as in the said in Part recited Act is provided and declared, he and they respectively shall severally forfeit, be subject, and liable to all and every the Penalties and Forfeitures in and by the said in Part recited Act inflicted upon any Person or Persons who shall play, set at, stake, or adventure at any of the said Games in the said in Part recited Act mentioned; and all and every such Offenders respectively shall be prosecuted and convicted, and the several Penalties and Forfeitures shall be sued for, and recovered and disposed of in like Manner, and to such Uses, as the several Penalties and Forfeitures in either of such Cases are by the said Part recited Act directed to be sued for, and recovered, and disposed of.

Game of *Passage*, and other Games with Dice, prohibited.

X. And be it further enacted by the Authority aforesaid, That in any Action, Bill, Plaint, or Information to be brought or commenced by virtue of this Act, no Essoign, Protection, Wager of Law, or more than one Imparlance shall be allowed; and that over and above the Penalties and Forfeitures to be recovered by virtue of this Act, the Plaintiff or Informer shall recover his or her double Costs.

Double Costs.

CAP. XX.

An Act for more effectually preventing fraudulent Qualifications of Persons to vote as Freeholders in the Election of Members to serve in Parliament, for such Cities and Towns as are Counties of themselves, in that Part of *Great Britain* called *England*.

Preamble, reciting the Act 10 *Ann. c.* 23.

WHEREAS by an Act made in the Tenth Year of the Reign of Queen *Anne*, intituled, *An Act for the more effectual preventing fraudulent Conveyances, in order to multiply Votes for electing Knights of Shires to serve in Parliament*, it is enacted, That all Estates and Conveyances whatsoever, made to any Person or Persons in any fraudulent or collusive Manner, on purpose to qualify him or them to give his or their Vote or Votes at such Elections of Knights of the Shire, subject nevertheless to Conditions or Agreements to defeat or determine such Estate, or to re-convey the same, shall be deemed and taken against those Persons who executed the same as free and absolute, and be holden and enjoyed by all and every such Person or Persons to whom such Conveyance shall be made as aforesaid, freely and absolutely acquitted, exonerated, and discharged, of and from all manner of Trusts, Conditions, Clauses of Re-entry, Powers of Revocation, Proviſoes of Redemption, or other Defeazances whatsoever, between or with the said Parties, or any other Person or Persons in Trust for them; and that all Bonds, Covenants, Collateral or other Securities, Contracts, or Agreements, between or with the said Parties, or any other Person or Persons in Trust for them, or any of them, for the redeeming, revoking, or defeating such Estate or Estates, or for the restoring or reconveying thereof, or any Part thereof, to any Person or Persons who made or executed such Conveyance, or to any other Person or Persons in Trust for them, or any of them, shall be null and void to all Intents and Purposes whatsoever; and that every Person who shall make and execute such Conveyance or Conveyances as aforesaid, or being privy to such Purpose, shall devise or prepare the same, and every Person who by Colour thereof shall give any Vote at any Election of any Knight or Knights of a Shire to serve in Parliament, shall, for every such Conveyance so made, or Vote so created or given, forfeit the Sum of Forty Pounds to any Person who shall sue for the same, to be recovered, together with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information in any of the Courts of Record at *Westminster*, wherein no Essoign, Privilege, Protection, Wager of Law, or more than one Imparlance shall be admitted or allowed. And it is thereby further enacted, That no Person shall vote for the electing of any Knight of a Shire within that Part of *Great Britain* called *England*, in Respect or in Right of any Lands or Tenements which have not been charged or assessed to the publick Taxes, Church Rates, and Parish Duties, in such Proportion as other Lands or Tenements of Forty Shillings *per Annum*, within the same Parish or Township where the same shall lie, or be usually charged, and for which such Person shall not have received the Rents or Profits, or be intitled to have received the same, to the full Value of Forty Shillings or more to his own Use for One Year before such Election; unless such Lands or Tenements came to such Person within the time aforesaid by Descent, Marriage, Marriage Settlement, Devise, or Presentation to some Benefice in the Church, or by Promotion to some Office unto which such Freehold is affixed; and that if any Person shall vote in any

Voters to be possessed of Lands, &c. to the Value of 40 *s. per Ann.* a full Year before the Election.

Unless such Lands come by Descent, &c. within the Time,

such

ſuch Election, contrary to the true Intent and Meaning of the ſaid Act, he ſhall for every ſuch Offence forfeit the Sum of Forty Pounds, one Moiety thereof to the Poor of the Pariſh or Pariſhes where the Lands or Tenements lie, for which ſuch Perſon ſhall vote, and the other Moiety to the Perſon or Perſons who ſhall ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information in any of the Courts of Record at *Weſtminſter*, wherein no Eſſoign, Privilege, Protection, or Wager of Law ſhall be allowed, or more than one Imparlance: And whereas by an Act made in the next Seſſion of Parliament, to explain a Clauſe in the ſaid laſt recited Act, made in the Tenth Year of the Reign of Queen *Anne*, it is enacted, That the ſaid Act, made in the Tenth Year of the Reign of Queen *Anne*, or any Thing therein contained, ſhall not extend, or be conſtrued to reſtrain any Perſon from voting in ſuch Election of any Knight of a Shire within that Part of *Great Britain* called *England*, in reſpect, or in Right of any Rents, Tythes, or other incorporeal Inheritances, or any Meſſuages or Lands in extraparochial Places, or any Chambers in the Inns of Court, or Inns of Chancery, or any Meſſuages or Seats belonging to any Offices, in regard, or by reaſon that the ſame have not uſually been, or ſhall not be charged or aſſeſſed to all or any of the publick Taxes, Church Rates, and Pariſh Duties, as mentioned in the ſaid Act, made in the Tenth Year of the Reign of Queen *Anne*, or in reſpect or Right of any other Meſſuages or Lands not therein before ſpecified, in regard, or by reaſon that the ſame have not been uſually charged or aſſeſſed to all and every the publick Taxes, Church Rates, and Pariſh Duties aforeſaid; provided that ſuch Meſſuages or Lands have uſually been charged or aſſeſſed to ſome one or more of the ſaid publick Taxes, Rates, or Duties, in ſuch Proportion as other Meſſuages or Lands of Forty Shillings *per Annum*, within the ſame Pariſh or Townſhip where the ſame ſhall lie or be, are uſually charged to the ſame; any thing contained in the ſaid Act, made in the Tenth Year of the Reign of Queen *Anne*, to the contrary thereof in any wiſe notwithſtanding: And whereas it is reaſonable, That Proviſion ſhould likewiſe be made to prevent any fraudulent Conveyances of Lands and Tenements, in order to multiply Votes for electing Members to ſerve in Parliament, for ſuch Cities and Towns as are Counties of themſelves, wherein Perſons have a Right to vote for electing ſuch Members, for or in reſpect of Lands, Tenements, or Hereditaments of the yearly Value of Forty Shillings; **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty, the ſaid Proviſions contained in the ſaid in Part recited Act made in the Tenth Year of the Reign of Queen** Anne, **for preventing fraudulent Conveyances, in order to multiply Votes for electing Knights for Shires; and in the ſaid Act made in the next Seſſions of Parliament, ſhall be extended, and conſtrued to extend to ſuch Lands or Tenements, for or in Reſpect of which, any Perſon ſhall vote for the Election of any Member to ſerve in Parliament, for any ſuch City or Town as aforeſaid, being a County of itſelf, in that Part of** Great Britain **called** England; **and that if any Perſon ſhall vote for the Election of any ſuch Member as a Freeholder, not having ſuch an Eſtate for One Year before the ſame Election, and ſo charged or aſſeſſed, as in the ſaid Acts, or One of them, is deſcribed, except in Caſes therein excepted, every ſuch Perſon ſhall be ſubject to the like Penalties and Forfeitures as are by the ſaid Act made in the Tenth Year of the Reign of Queen** Anne, **impoſed on Perſons voting for Knights of Shires, not having the Qualifications thereby required.**

Penalty of 40 *l.*

12 *Ann. ſtat.* 1. *cap.* 5.

Perſons voting as Freeholders not having an Eſtate 1 Year before Election, ſubject to the Penalties and Forfeitures 10 *Annæ.*

Exception.

CAP. XXI.

An Act for further and more effectually preventing the wilful and malicious Deſtruction of Collieries and Coal Works.

Preamble, reciting the Act 10 *Geo.* II. *c.* 32.

WHEREAS of late divers evil-diſpoſed Perſons poſſeſſed of or intereſted in Collieries, have by ſecret and ſubtil Devices wilfully and maliciouſly attempted to drown adjacent Collieries, and have by Means of Water conveyed or obſtructed for that Purpoſe deſtroyed or damaged the ſame, intending thereby to enhance the Price of Coals, and gain the Monopoly thereof: And whereas by an Act made in the Tenth Year of the Reign of His preſent Majeſty it was enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly ſet on Fire, or cauſe to be ſet on Fire, any Mine, Pit, or Delph of Coal, or Cannel Coal, every Perſon ſo offending, being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy: And whereas it is reaſonable that an adequate Puniſhment ſhould likewiſe be inflicted on Perſons who ſhall wilfully and maliciouſly deſtroy or damage Collieries by Means of Water, as is aforeſaid; **be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon from and after the Twelfth Day of** June, **One thouſand ſeven hundred and forty, ſhall unlawfully, wilfully, and maliciouſly divert, or cauſe to be diverted Water from any River, Brook, Watercourſe, Channel, or Land Flood, or convey, or cauſe to be conveyed Water into any Coal Work, Mine, Pit, or Delph of Coal, or into any ſubterraneous Cavities or Paſſages, or make, or cauſe to be made any ſubterraneous Cavities or Paſſages, with deſign thereby to deſtroy or damage any Coal Work, Mine, Pit, or Delph of Coal belonging to any other Perſon or Perſons, or ſhall for that Purpoſe unlawfully, wilfully, and maliciouſly deſtroy or obſtruct any Sough or Sewer (which has been a Sough or Sewer in common for Fifty Years) made for draining any Coal Work, Mine, Pit, or Delph of Coal, or ſhall attempt or continue any ſuch miſchievous Practice, or ſhall aid or aſſiſt therein in Manner aforeſaid; every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay to the Party or Parties aggrieved treble Damages, and full Coſts of Suit, to be ſued for and recovered by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at** Weſtminſter.

Perſons drowning Coal Pits, ſhall pay treble Damages, and full Coſts;

II. **Provided always, That nothing in this Act contained ſhall prevent or reſtrain, or be conſtrued to prevent or reſtrain any Perſon or Perſons, being the Owner or Owners of any Sough, Drain, or Sewer, from deſtroying, obſtructing, or diverting, uſing, or diſpoſing of any ſuch Sough, Drain, or Sewer, in ſuch Manner as he, ſhe, or they reſpectively may now lawfully do.**

Except ſuch Coal Pits are their own.

CAP. XXII.

CAP. XXII.

An Act for enlarging the Term and Powers granted and given by an Act paſſed in the Tenth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Road leading from* Dunchurch *in the County of* Warwick, *to the Bottom of* Meriden Hill *in the ſame County*; and for making the ſaid Act more effectual.

Preamble reciting the Act 10 *Geo.* I. *c.* 15.

WHEREAS by an Act made and paſſed in the Tenth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Road leading from* Dunchurch *in the County of* Warwick, *to the Bottom of* Meriden Hill *in the ſame County*, ſeveral Tolls, Duties, and Powers, were therein given and granted for repairing the ſaid Road; which ſaid Act was to take Place, and have Continuance from and after the Twenty fifth Day of *July*, One thouſand ſeven hundred and twenty four, for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution, have by virtue of the Powers thereby to them given, borrowed ſeveral Sums of Money upon the Credit of the ſaid Act, and there now remains due thereon the Principal Sum of Two thouſand Pounds; which Sums borrowed have been applied, together with the Tolls and Duties collected and received by virtue of the ſaid Act, in repairing and amending the ſaid Road according to the Directions thereof, and great Progreſs hath been made in amending the ſaid Road; but the ſame cannot be effectually repaired and amended according to the true Intent of the ſaid Act, and the Money now due upon the Credit thereof be repaid, unleſs the Term, Tolls, and Powers, granted and given by the ſaid Act, be enlarged, continued, and the Act made more effectual, *&c.*

The Act is further continued for 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XXIII.

An Act for granting to His Majeſty the Sum of One Million out of the Sinking Fund, for the Service of the Year One thouſand ſeven hundred and forty; and for enabling His Majeſty to raiſe the further Sum of Two hundred thouſand Pounds, out of the growing Produce of the ſaid Fund; and for granting to His Majeſty the Sum of Twenty one thouſand Pounds, one Shilling, and eight Pence Halfpeny, remaining in the Receipt of His Majeſty's Exchequer, ariſen by Sale of Lands in the Iſland of Saint *Chriſtopher*'s; and for the further appropriating the Supplies granted in this Seſſion of Parliament.

Preamble.

MOST gracious Sovereign: We Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain in Parliament aſſembled, being deſirous not only to raiſe ſuch Supplies as are neceſſary to enable Your Majeſty to carry on the preſent War with Succeſs, but alſo to uſe ſuch Ways and Means therein, as that Your Majeſty may have the better and more ſpeedy Effect of the ſaid Supplies, have reſolved to give and grant unto Your Majeſty the Sum of One Million, out of the Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund, towards the Supply granted to Your Majeſty for the Service of the Year One thouſand ſeven hundred and forty; and alſo to enable Your Majeſty to iſſue and apply the further Sum of Two hundred thouſand Pounds, out of the growing Produce of the ſaid Sinking Fund, for the Service of the ſaid Year One thouſand ſeven hundred and forty, and to that End and Purpoſe do moſt humbly beſeech Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That

Treaſury to iſſue out of the *Sinking Fund* 1,000,000 *l.*

by or out of ſuch Monies as now are, or ſhall from time to time quarterly be, in the Receipt of the Exchequer of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund (after paying or reſerving ſufficient to pay all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame) there ſhall and may be iſſued, paid, and applied a Sum not exceeding the ſaid Sum of One Million, for and towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and forty; and the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, are hereby authorized and impowered to iſſue and apply the ſame accordingly.

and the growing Produce of the ſaid Fund, towards raiſing the further Sum of 200,000 *l.* for the Service of the Year 1740.

II. And for or towards raiſing the ſaid further Sum of Two hundred thouſand Pounds, it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer or any Three or more of the Commiſſioners of the Treaſury for the time being, and they are hereby authorized and impowered from time to time, quarterly, to iſſue and apply the growing Produce of the ſaid Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund (after paying or reſerving ſufficient to pay the ſaid Sum of One Million by this Act granted as aforeſaid, and all ſuch other Sum and Sums of Money as are appropriated to any particular Uſe or Uſes by any former or other Act or Acts of Parliament in that Behalf) towards raiſing the ſaid further Sum of Two hundred thouſand Pounds, for or towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and forty.

III. And be it further enacted by the Authority aforeſaid, That the Sum of Twenty one thouſand Pounds, one Shilling, and eight Pence Halfpeny, remaining in the Receipt of His Majeſty's Exchequer, ariſen by Sale of the Lands in the Iſland of Saint Chriſtophers, ſhall and may be iſſued and applied, as Part of the Supply granted to His Majeſty for the Service of the Year One thouſand ſeven hundred and forty; any Law, Statute, or Proviſion to the contrary in any wiſe notwithſtanding.

or the ſaid Sum may be raiſed by Loans or Exchequer Bills.

IV. And it is hereby enacted by the Authority aforeſaid, That in caſe the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the High Treaſurer for the time being, ſhall think it adviſeable to raiſe the ſaid Sum of One million two hundred thouſand Pounds, or any Part thereof, by Loans or Exchequer Bills in Manner hereafter mentioned, that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to advance or lend to His Majeſty

Majesty at the Receipt of His Majesty's Exchequer any Sum or Sums of Money, not exceeding the said Sum of One million, two hundred thousand Pounds, upon the Credit of the said Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund; and to have and receive for the Forbearance of the Money lent, Interest after a Rate not exceeding Three Pounds ten Shillings per Centum per Annum, so as such Loans be allowed to be made by the said Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer, or any Three of the Commissioners of the Treasury for the time being, who are hereby authorized to issue their Warrants for that Purpose, as fast as such Loans shall be wanted for the publick Service; and moreover, that no Money to be lent upon the Security of this Act, shall be rated and assessed to any Tax or Assessment whatsoever.

Lenders to have Tallies and Orders.

V. And be it further enacted, That all and every Person and Persons who shall lend any Money upon the Credit of this Act as aforesaid, and pay the same into the Receipt of the Exchequer, shall immediately have a Tally of Loan struck for the same, and an Order for his, her, or their Repayment, bearing the same Date with his, her, or their Tally, in or upon which Order, shall be also contained a Warrant for Payment of Interest for the Forbearance thereof, not exceeding the said Rate of Three Pounds ten Shillings per Centum per Annum, and to be paid every Three Months, until the Repayment of the Principal; and all such Orders for Repayment of Money so to be lent shall be registered in Course, according to the Dates respectively; and that all and every Person and Persons shall be paid in Course, according as their Orders shall stand registered in the said Register Books, so as the Person or Persons, Natives or Foreigners, his, her, or their Executors, Administrators, or Assigns, who shall have his, her, or their Order or Orders first entered in the said Books of Register, shall be taken and accounted to be the first Person or Persons to be paid out of the said Surplusses, Excesses, and Overplus Monies; and he, she, or they, who shall have his, her, or their Order or Orders nert entered, shall be taken and accounted to be the Second Person to be paid, and so successively and in Course; and that the Monies to come in of or for the said Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund, as aforesaid, shall be in the same Order liable to the Satisfaction of the said respective Persons, and Body or Bodies Politick or Corporate, their Executors, Administrators, Successors, or Assigns respectively, without undue Preference of One before another, and not otherwise; and shall not be diverted or divertible to any other Use, Intent, or Purpose whatsoever, other than such Uses and Purposes as are appointed by any other Act or Acts of Parliament in that Behalf as aforesaid; and that no Fee, Reward, or Gratuity, directly or indirectly, shall be demanded or taken of any of His Majesty's Subjects for providing or making of any such Books or Registers, or any Entries, Views, or Searches in or for Payment of Money lent, or the Interest thereof, as aforesaid, by any of His Majesty's Officer or Officers, their Clerks, or Deputies, on Pain of Payment of treble Damages to the Party grieved by the Party offending, with full Costs of Suit; or if the Officer himself take or demand any such Fee or Reward, then to lose his Place also; and if any undue Preference of one before another shall be made either in Point of Registry or Payment, contrary to the true Meaning of this Act, by any such Officer or Officers, then the Party offending shall be liable by Action of Debt, or on the Case, to pay the Value of the Debt, with full Costs of Suit to the Party grieved, and shall be forejudged of his Office or Place; and if such Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Master, then such Deputy or Clerk only shall be liable to such Action, Debt, Damages, and Costs, and shall be for ever after incapable of his Office or Place; and in case the Auditor of the Receipt shall not direct the said Orders of Loan, or the Clerk of the Pells record, or the Tellers make Payment upon such Order, according to each Person's due Place and Order as before directed, then he or they shall be adjudged to forfeit, and the respective Deputies and Clerks therein offending, to be liable to such Action, Debt, Damages, and Costs, in such Manner as aforesaid; all which said Penalties, Forfeitures, Damages, and Costs, to be incurred by any the Officers of the Exchequer, or any their Deputies or Clerks, shall and may be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster; wherein no Essoign, Protection, Privilege, Wager of Law, Injunction, or Order of Restraint shall be in any wise granted or allowed.

Orders and Payments to be in Course.

No undue Preference.

Officers to take no Fees.

Penalties.

What shall be interpreted no undue Preference.

VI. Provided always, and it is hereby declared, That if it shall happen that several Tallies of Loan, or Orders for Payment, as aforesaid, bear Date, or be brought the same Day to the Auditor of the Receipt to be registered, then it shall be interpreted no undue Preference which of those be entered first, so as he enters them all the same Day.

VII. Provided always, That it shall not be interpreted any undue Preference, to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay subsequent Orders, to Persons that come and demand their Monies, and bring their Orders, before other Persons that did not come to take their Monies, and bring their Orders in Course; so as there be so much Money reserved as will satisfy precedent Orders, which shall not be otherwise disposed of, but kept for them, Interest upon Loan being to cease from the time the Money is so reserved and kept in Bank for them.

Orders assignable.

VIII. And be it further enacted, That all and every Person and Persons to whom any Money shall be due for Loans to be registered by virtue of this Act, after Order entered in the Book of Register as aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed and written upon his, her, or their Order, may assign or transfer his, her, or their Right, Title, Interest, and Benefit of such Order to any other; which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Registry aforesaid for Orders (which the Officers shall upon Request without Fee or Charge accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, and Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign

assign again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment, to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

IX. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the whole the said Sum of One million two hundred thousand Pounds, to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills as is herein after mentioned, or by both or either of those Ways or Means, for the publick Service; be it further enacted by the Authority aforesaid, That in case the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall judge it more adviseable to raise the said Sum of One million two hundred thousand Pounds, or any Part thereof, by Exchequer Bills instead of such Loans as aforesaid; that then they respectively are hereby authorized and impowered at any Time or Times to prepare and make, or cause to be prepared and made, at the Exchequer any Number of new Exchequer Bills for any Sum or Sums of Money, not exceeding in the whole the said Sum of One million two hundred thousand Pounds together with such Loans as aforesaid, in the same or like Manner, Form, or Order, and according to the same or like Rules and Directions, as in and by a certain Act of Parliament for continuing the Duties upon Malt, Mum, Cyder, and Perry, for the Service of the Year One thousand seven hundred and forty, are enacted and prescribed, concerning the Exchequer Bills to be made in pursuance of the said Act.

Treasury may raise the said Sum by issuing out new Exchequer Bills.

X. And be it further enacted by the Authority aforesaid, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said last mentioned Act relating to the Loans or Exchequer Bills authorized to be made by the same Act (except such Clauses as do charge the same on the Duties or Impositions granted or continued by the same Act) shall be applied and extended to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said Exchequer Bills had been originally authorized by the said last mentioned Act, or as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this present Act.

Clauses of the Malt Act, 1740, relating to Exchequer Bills, to extend to those of this Act.

XI. And be it enacted by the Authority aforesaid, That all the Exchequer Bills as shall be made in pursuance of this Act, and the Interest, Premium, Rate, and Charges incident to, or attending the same, shall be and are hereby charged and chargeable upon and shall be repaid and born by or out of the growing Produce of the said Surplusses, Excesses, and Overplus Monies commonly called The Sinking Fund (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any former or other Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such Exchequer Bills, Interest, Premium, Rate, or Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be reserved and kept in the Exchequer, to be payable on Demand to the respective Proprietors thereof.

The said Bills charged on the *Sinking Fund*.

XII. Provided always, and be it further enacted by the Authority aforesaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one Act of this Session of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thousand seven hundred and forty; and so much Money (if any such be) of the Duties thereby granted and continued as shall arise or remain after all the Loans or Exchequer Bills made or to be made on the same Act, and all the Interest, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raising the said Duties, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon one other Act of this Session of Parliament, intituled, An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and forty; and so much Money (if any such be) of the Tax thereby granted as shall arise or remain after all the Loans or Exchequer Bills made or to be made on the same Act, and all the Interest, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raising the said Land Tax, shall be satisfied, or Money sufficient shall be reserved in the Exchequer to discharge the same; and also the Sum of Eighty eight thousand seven hundred twenty two Pounds, Seven Shillings, and Ten Pence Farthing, granted for the Service of the Year One thousand seven hundred and thirty nine, but not applied for the Service of that Year; and the Sum of Twenty one thousand Pounds, One Shilling, and Eight Pence Halfpeny remaining in the Receipt of His Majesty's Exchequer, arisen by Sale of the Lands in the Island of Saint Christopher's; and the Sum of One million two hundred thousand Pounds by this Act granted as aforesaid, shall be further appropriated and applied, and are hereby appropriated, for and towards the several Uses, Intents, and Purposes herein after expressed, subject nevertheless to such Restrictions as are herein after prescribed; that is to say,

Application of the Supplies.

2,019,704 *l.* 8*s.* 3*d.* for Naval Services.

XIII. It is hereby enacted and declared, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Two millions nineteen thousand seven hundred and Four Pounds, Eight Shillings, and Three Pence, for or towards the Naval Services herein after more particularly expressed; (that is to say) for or towards defraying the Charge of the Ordinary of His Majesty's Navy, and for half-pay to Sea Officers, and for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed, and for or towards Sea Services in the Office of Ordnance, performed and to be performed.

10,000 *l.* to *Greenwich* Hospital.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding Ten thousand Pounds, upon Account, for, or towards the Support of the Royal Hospital at Green-

wich, and for the better Maintenance of the Seamen of the said Hospital, worn out and become decrepid in the Service of their Country.

XV. And it is also hereby enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money, not exceeding One hundred and forty thousand four hundred thirty four pounds, four shillings, and eight pence, for or towards defraying the Charge of the Office of Ordnance for Land Service, performed and to be performed, and for defraying the extraordinary Expence of the Office of Ordnance for Land Services not provided for by Parliament. 140,434 *l.* 4 *s.* 8 *d.* for the Office of Ordnance.

XVI. And it is also hereby enacted, That out of all or any the Aids or Supplies as aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Ninety four thousand five hundred fifty four pounds, eighteen shillings, which with the Sum of Twenty three thousand six hundred fifty nine pounds, three shillings, issued out of the Sum of Five hundred thousand pounds charged on the Sinking Fund for the Service of the Year One thousand seven hundred and thirty nine, amounts to the Sum of One hundred eighteen thousand two hundred and fourteen pounds, one shilling, for raising and defraying the Charge of maintaining Six Regiments of Marines, consisting of Four thousand eight hundred and ninety Men, Commission and Non-commission Officers included, for Fourteen Months from the Twenty fifth Day of October, One thousand seven hundred and thirty nine, to the Twenty fourth Day of December, One thousand seven hundred and forty, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty three thousand four hundred twenty nine pounds, for raising and maintaining Two thousand and forty Men, Officers included, to be added to the Six Regiments of Marines for the Year One thousand seven hundred and forty. 118,214 *l.* 1 *s.* for 6 Regiments of Marines. 33,429 *l.* for additional Marines.

XVII. And it is hereby likewise enacted, That out of all or any the Aids or Supplies provided as aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million two hundred ten thousand and ninety five pounds, four shillings, and three pence three farthings, for or towards maintaining his Majesty's Land Forces, and other Services herein after more particularly expressed; that is to say, Any Sum or Sums of Money not exceeding Eight hundred sixty thousand one hundred and fifty pounds, ten shillings, and four pence halfpeny, for defraying the Charge of Twenty eight thousand eight hundred fifty two Men, Commission and Non-commission Officers included (and also including Two thousand one hundred forty one Invalids, and eight hundred and fifteen Men which the Regiment consists of for the Service of the Highlands) for Guards, Garisons, and other His Majesty's Land Forces in Great Britain, Guernsey, and Jersey, for the Year One thousand seven hundred and forty; and any Sum or Sums of Money not exceeding Two hundred sixty six thousand two hundred and three pounds, two shillings, and one peny halfpeny, for maintaining his Majesty's Forces and Garisons in the Plantations, Minorca, and Gibraltar, and for Provisions for the Garisons at Annapolis Royal, Canso, Placentia, Gibraltar, and Georgia, for the Year One thousand seven hundred and forty; and any Sum or Sums of Money not exceeding Ten thousand three hundred forty seven pounds, and six shillings, upon Account, for the Out-pensioners of Chelsea Hospital, for the Year One thousand seven hundred and forty; and any Sum or Sums of Money not exceeding Nine thousand four hundred seventy seven pounds, thirteen shillings, and one peny three farthings, for defraying several extraordinary Expences and Services incurred in the Year One thousand seven hundred and thirty nine, and not provided for by Parliament; and any Sum or Sums of Money not exceeding Thirty four thousand five hundred eighty seven pounds, upon Account of Half-pay to the reduced Officers of His Majesty's Land Forces and Marines, for the Year One thousand seven hundred and forty, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as are herein after prescribed concerning the same; and any Sum or Sums of Money not exceeding Twenty two thousand eight hundred eighty pounds, nineteen shillings and two pence, for defraying the Charge of General and Staff-officers for the Year One thousand seven hundred and forty; and any Sum or Sums of Money not exceeding Two thousand four hundred and fifty pounds, thirteen shillings and six pence, for maintaining One Company of Invalids, to be forthwith raised; and for making an Addition of Twenty Men to each of the Four Companies of Invalids raised in November, One thousand seven hundred and thirty nine, in all to One hundred eighty one Men, for the Service of the Year One thousand seven hundred and forty; and any Sum or Sums of Money not exceeding Three thousand nine hundred ninety eight Pounds, for paying of Pensions to Widows of such reduced Officers of His Majesty's Land Forces and Marines, as died upon the Establishment of Half Pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thousand seven hundred and sixteen, for the Year One thousand seven hundred and forty; which said Sum of Three thousand nine hundred ninety eight pounds, shall be issued to such Person or Persons as His Majesty shall by Warrant or Warrants under his Royal Sign Manual direct or appoint to receive the same, to be by him or them paid over to such Widows of Half-pay Officers, or their Assigns, according to such Establishments, Lists, or other Directions, and with and subject to such Conditions, Qualifications, Deductions, or other Allowances for the same, as His Majesty by such and the like Warrant or Warrants shall be graciously pleased to direct and appoint. 1,210,005 *l.* 4 *s.* 3 *d.* 3 farthings, for Land Forces; *i. e.* 860,150 *l.* 10 *s.* 4 *d.* halfpeny, for Guards and Garisons. 266,203 *l.* 3 *s.* 1 *d.* halfpeny, for the Plantations. 10,347 *l.* 6 *s.* to *Chelsea* Hospital. 9477 *l.* 13 *s.* 1 *d.* 3 farthings, for extraordinary Expences. 34,587 *l.* for Half pay. 22,880 *l.* 19 *s.* 2 *d.* for General and Staff-officers. 2450 *l.* 13 *s.* 6 *d.* for one Company of Invalids. 3998 *l.* for Officers Widows.

XVIII. And it is also hereby enacted, That out of all or any the Aids or Supplies provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money, not exceeding Five thousand eight hundred sixty five pounds, eighteen shillings and nine pence, to replace to the Sinking Fund the like Sum, paid out of the same, to make good the Deficiency of the additional Stamp Duties at Christmas, One thousand seven hundred and thirty eight, pursuant to a Clause in an Act of Parliament passed in the Fourth Year of His Majesty's Reign, for raising One million two hundred thousand pounds by Annuities and a Lottery for the Service of the Year One thousand seven hundred and thirty one; and any Sum or Sums of Money not exceeding Twenty 5865 *l.* 18 *s.* 9 *d.* for Deficiency of Stamp Duties.

20,000*l.* to the Sinking Fund.

thouſand pounds, to replace to the ſaid Sinking Fund the like Sum paid out of the ſame to the Governor and Company of the Bank of England, for One Year's Intereſt due on or before the Eighth Day of September, One thouſand ſeven hundred and thirty nine, being after the Rate of Four Pounds per Centum on the Principal Sum of Five hundred thouſand pounds, by them lent on the Credit of the Salt Duties, towards the Supply of the Year One thouſand ſeven hundred and thirty five, purſuant to a Clauſe in an Act of Parliament paſſed in the Eighth Year of His Majeſty's Reign, for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years; and any Sum or Sums of Money not exceeding Ten thouſand pounds, towards the Maintenance of the Britiſh Forts and Settlements belonging to the Royal African Company of England, on the Coaſt of Africa; and any Sum or Sums of Money not exceeding Four thouſand pounds, towards repairing and finiſhing the Collegiate Church of Saint Peter, Weſtminſter; and there ſhall and may be iſſued to the Truſtees for eſtabliſhing the Colony of Georgia in America, any Sum or Sums of Money not exceeding Four thouſand pounds, by them to be applied for the further ſettling and improving the ſaid Colony; and any Sum or Sums of Money, not exceeding Fifty eight thouſand three hundred thirty three pounds, ſix ſhillings and eight pence, on Account of the Subſidy payable to the King of Denmark, purſuant to the Treaty, bearing Date the $\frac{\text{third}}{\text{fourteenth}}$ Day of March, One thouſand ſeven hundred and thirty $\frac{\text{eight}}{\text{nine}}$, for the Year One thouſand ſeven hundred and forty.

10,000 *l.* for the *African* Forts.

4000 *l.* to *Weſtminſter Abbey.*

4000 *l.* to the Colony of *Georgia.*

58,333*l.* 6*s.* 8*d.* Subſidy to the King of *Denmark.*

XIX. And it is hereby alſo enacted, That out of all or any the Aids or Supplies as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Two hundred thouſand pounds upon Account, towards enabling His Majeſty to carry on in the moſt effectual Manner, ſuch Meaſures as His Majeſty ſhall judge neceſſary in the further Proſecution of the juſt War in which His Majeſty is engaged.

200,000 *l.* for further Proſecution of the War.

XX. And be it enacted, That the ſaid Aids or Supplies provided as aforeſaid ſhall not be iſſued or applied to any Uſe, Intent, or Purpoſe whatſoever, other than the Uſes and Purpoſes before mentioned, or for the ſeveral Deficiencies or other Payments directed to be ſatisfied thereout by any Act or Acts, or any particular Clauſe or Clauſes for that Purpoſe contained in any other Act or Acts of this preſent Seſſion of Parliament.

The Aids not to be miſapplied.

XXI. And as to the ſaid Sum of Thirty four thouſand five hundred eighty ſeven pounds, by this Act appropriated, on Account of Half-pay as aforeſaid; it is hereby enacted and declared by the Authority aforeſaid, That the Rules herein after preſcribed ſhall be duly obſerved in the Application thereof; that is to ſay, That no Perſon ſhall have or receive any Part of the ſame, who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he ſerved, was reduced; that no Perſon ſhall have or receive any Part of the ſame, except ſuch Perſons who did actual Service in ſome Regiment, Troop, or Company; that no Perſon having any other Place or Employment of Profit, Civil or Military, under His Majeſty, ſhall have or receive any Part of the ſaid Half-pay; that no Chaplain of any Gariſon or Regiment, who has any Eccleſiaſtical Benefice in Great Britain or Ireland, ſhall have or receive any of the ſaid Half-pay; that no Perſon ſhall have or receive any Part of the ſame, who hath reſigned his Commiſſion, and has had no Commiſſion ſince; that no Part of the ſame ſhall be allowed to any Perſon by virtue of any Warrant or Appointment, except to ſuch Perſons who would have been otherwiſe intitled to the ſame as reduced Officers; and that no Part of the ſame ſhall be allowed to any of the Officers of the Five Regiments of Dragoons and Eight Regiments of Foot lately disbanded in Ireland, except to ſuch as were lately taken off the Eſtabliſhment of Half-pay in Great Britain.

Rules for the Application of Half-pay.

XXII. And whereas by an Act of Parliament made in the Twelfth Year of His Majeſty's Reign, intituled, *An Act for granting to His Majeſty the Sum of Five hundred thouſand pounds out of the Sinking Fund for the Service of the Year One thouſand ſeven hundred and thirty nine, and for enabling His Majeſty to raiſe the further Sum of Five hundred thouſand pounds out of the growing Produce of the ſaid Fund, and for the further appropriating the Supplies granted in this Seſſion of Parliament, and for giving Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices*, ſeveral Supplies which had been granted to His Majeſty as is therein mentioned, were appropriated to ſeveral Uſes and Purpoſes therein expreſſed, amongſt which any Sum or Sums of Money not exceeding Thirty nine thouſand one hundred twenty four pounds, nineteen ſhillings, and two pence, was appropriated to be paid to the reduced Officers of His Majeſty's Land Forces and Marines, ſubject nevertheleſs to ſuch Rules to be obſerved in the Application of the ſaid Half-pay, as in and by the aforeſaid Act were preſcribed in that Behalf; now it is hereby provided, enacted, and declared by the Authority aforeſaid, That ſo much of the ſaid Sum of Thirty nine thouſand one hundred twenty four pounds, nineteen ſhillings, and two pence, as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced Officers, according to the Rules by the ſaid Act preſcribed to be obſerved in the Application thereof, or any Part of ſuch Overplus, ſhall or may be diſpoſed of to ſuch Officers who are maimed, or have loſt their Limbs in the late Wars, or ſuch others as by Reaſon of their long Service, or otherwiſe, His Majeſty ſhall judge to be proper Objects of Charity, or to the Widows or Children of ſuch Officers, according to ſuch Warrant or Warrants under His Majeſty's Royal Sign Manual, as ſhall be ſigned in that Behalf; any thing in this Act or the ſaid former Act to the contrary notwithſtanding.

The Overplus of laſt Year's Half-pay how to be applied.

CAP. XXIV.

An Act for amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament; and alſo for amending the Laws for erecting, providing, and regulating Houſes of Correction.

WHEREAS

WHEREAS the Number of Rogues, Vagabonds, Beggars, and other idle and diſorderly Perſons daily increaſes, to the great Scandal, Loſs, and Annoyance of the Kingdom; for Remedy thereof be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That all Perſons who threaten to run away and leave their Wives or Children to the Pariſh, and all Perſons who ſhall unlawfully return to ſuch Pariſh or Place from whence they have been legally removed by Order of Two Juſtices of the Peace, without bringing a Certificate from the Pariſh or Place whereunto he, ſhe, or they belong, and alſo all Perſons who not having wherewith to maintain themſelves live idle without Employment, and refuſe to work for the uſual and common Wages given to other Labourers in the like Work in the Pariſhes or Places where they then are; and alſo all Perſons going about from Door to Door, or placing themſelves in Streets, Highways, or Paſſages, to beg or gather Alms in the Pariſhes or Places where they dwell, ſhall be deemed idle and diſorderly Perſons; and it ſhall and may be lawful for any Juſtice of the Peace to commit ſuch Offenders (being thereof convicted before him by their own Confeſſion, or by the Oath of One or more credible Witneſs or Witneſſes) to the Houſe of Correction, there to be kept to hard Labour for any Time not exceeding one Month: And it ſhall and may be lawful for any Perſon to apprehend, and carry before a Juſtice of the Peace any ſuch Perſons going about from Door to Door, or placing themſelves in Streets, Highways, or Paſſages, to beg or gather Alms in the Pariſhes or Places where they dwell; and if they ſhall reſiſt or eſcape from the Perſon apprehending them, they ſhall be ſubject to the ſame Puniſhment as Rogues and Vagabonds are made liable to by this Act: And it ſhall and may be lawful for the ſaid Juſtice, by Warrant under his Hand and Seal to order any Overſeer of the Poor of the Pariſh or Place where ſuch Offender ſhall be apprehended, to pay the Sum of Five Shillings to the Perſons ſo apprehending them, for every Offender ſo apprehended; which Sum ſhall be allowed to ſuch Overſeer in his Account, he producing the Juſtice's Order and a Receipt under the Hand of the Perſon to whom ſuch Sum was paid; but if ſuch Overſeer ſhall neglect or refuſe to pay the ſaid Sum, the ſaid Juſtice, on Oath thereof made, may by Warrant under his Hand and Seal order the ſame to be levied by Diſtreſs and Sale of the Goods of ſuch Overſeer, who in ſuch Caſe ſhall not be allowed the ſame in his Account.

Preamble.

What Perſons ſhall be deemed Vagabonds.

Reward of 5 s. for each Perſon apprehended.

II. And be it further enacted by the Authority aforeſaid, That all Perſons going about as Patent Gatherers, or Gatherers of Alms, under falſe Pretences of Loſs by Fire or other Caſualty, or going about as Collectors for Priſons, Gaols, or Hoſpitals, all Fencers and Bearwards, all common Players of Interludes, and all Perſons who ſhall for Hire, Gain, or Reward, act, repreſent, or perform, or cauſe to be acted, repreſented, or performed any Interlude, Tragedy, Comedy, Opera, Play, Farce, or other Entertainment of the Stage, or any Part or Parts therein (in caſe ſuch Perſon ſhall not have any legal Settlement in the Place where the ſame ſhall be acted, repreſented, or performed) without Authority by virtue of Letters Patent from his Majeſty's Predeceſſors, or from his Majeſty, His Heirs, or Succeſſors, in purſuance of an Act paſſed in the Tenth Year of his Majeſty's Reign, intituled, An Act to explain and amend ſo much of an Act made in the Twelfth Year of the Reign of Queen *Anne*, intituled, *An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants, into one Act of Parliament, and for the more effectual puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent, as relates to common Players of Interludes*; or without Licence from the Lord Chamberlain of the King's Houſhold for the time being, in purſuance of the ſaid Act; all Minſtrels, Juglers, all Perſons pretending to be Gypſies, or wandering in the Habit or Form of Egyptians, or pretending to have Skill in Phiſiognomy, Palmeſtry, or like crafty Science, or pretending to tell Fortunes, or uſing any ſubtil Craft to deceive or impoſe on any of His Majeſty's Subjects, or playing or betting at any unlawful Games or Plays; and all Perſons who run away and leave their Wives or Children, whereby they become chargeable to any Pariſh or Place; and all petty Chapmen and Pedlars wandering abroad, not being duly licenſed, or otherwiſe authorized by Law; and all Perſons wandering abroad, and lodging in Barns and other Outhouſes, not giving a good Account of themſelves, and all Perſons wandering abroad, and begging, pretending to be Soldiers, Mariners, Seafaring Men, or pretending to go to work in Harveſt, and all other Perſons wandering abroad, and begging, ſhall be deemed Rogues and Vagabonds, within the true Intent and Meaning of this Act.

Vagabonds farther deſcribed.

III. Provided always, That this Act, or any thing herein contained, ſhall not extend, or be conſtrued to extend to Soldiers wanting Subſiſtence, having lawful Certificates from their Officers, or the Secretary at War, or to Mariners or Seafaring Men licenſed by ſome Teſtimonial or Writing under the Hand and Seal of ſome Juſtice of the Peace, ſetting down the Time and Place of their Landing or Diſcharge, and the Place to which they are to paſs, and limiting the Time of ſuch their Paſſage, while they continue in the direct Way to the Place to which they are to paſs, and during the Time ſo limited; or to any Perſon or Perſons going abroad to work at any lawful Work in the Time of Harveſt, or at any other Time, ſo as he, ſhe, or they carry with him, her, or them a Certificate in Writing, ſigned by the Miniſter and One of the Churchwardens or Chapelwardens, or One of the Overſeers of the Poor for the time being, of the Pariſh, Chapelry, or Place where they ſhall reſpectively inhabit, declaring that he, ſhe, or they hath or have a Dwelling-houſe or Place there, in which he, ſhe, or they inhabit.

Soldiers with Certificates, may demand Subſiſtence.

IV. And be it further enacted by the Authority aforeſaid, That all End Gatherers offending againſt an Act, made in the Thirteenth Year of his late Majeſty King George the Firſt, intituled, An Act for the better Regulation of the Woollen Manufacture, and for preventing Diſputes amongſt the Perſons concerned therein; and for limiting a Time for proſecuting for the Forfeiture, appointed by an Act of the Twelfth Year of his Majeſty's Reign, in caſe of Payment of the Workmens Wages in any other Manner than in Money, being convicted of ſuch Offence; and all Perſons apprehended as Rogues or Vagabonds, and eſcaping from the Perſons apprehending them,

Incorrigible Rogues deſcribed.

13 *Geo.* I. *c.* 23.

them, or refusing to go before a Justice or Justices of the Peace, or to be examined upon Oath before such Justice or Justices, or knowingly giving a false Account of themselves on such Examination, after Warning given them of their Punishment; and all Persons who shall break or escape out of any House of Correction, before the Expiration of the Term for which they were committed, or ordered to be confined by virtue of this Act; and all Persons, who, after having been punished as Rogues and Vagabonds and discharged, shall again commit any of the said Offences, shall be deemed incorrigible Rogues within the true Intent and Meaning of this Act.

All Persons have Power to take Offenders.

V. And be it further enacted by the Authority aforesaid, That if after the Commencement of this Act any Person by this Act described to be a Rogue or Vagabond shall be found in any Parish or Place offending against this Act, it shall and may be lawful for the Constable, Headborough, Tythingman, or other such Officer of such Parish or Place, or any other Person there dwelling or being, to apprehend the Person so offending, and to convey, or cause to be conveyed, him, her, or them to some Justice of the Peace for the same County, Riding, City, Borough, Town Corporate, Division, or Liberty, in or near the said Parish or Place where he or she shall be so apprehended, in order that he or she may be proceeded against in such Manner as is herein after directed; and in case any Constable or other such Officer as aforesaid of any Parish or Place shall refuse or neglect to use his best Endeavours to apprehend any such Offender, it shall be deemed a Neglect of Duty in such Constable or Officer, and he shall be punished in such Manner as is herein after directed; and in case any other Inhabitant of any such Parish or Place, being charged by any Justice of the Peace so to do, shall refuse or neglect to use his best Endeavours to apprehend and deliver to the Constable or such other Officer of the same Parish or Place, or to carry such Offender before some Justice of the Peace, where no Constable or other such Officer can be found, such Inhabitant so offending as aforesaid, being thereof convicted by the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace of the same County, Riding, City, Borough, Town Corporate, Division, or Liberty, shall forfeit the Sum of Ten Shillings, to the Use of the Poor of the Parish or Place wherein such Offence shall be committed, to be levied by Distress and Sale of the Offender's Goods by Warrant from any such Justice or Justices; and in case any Person not being a Constable or such other Officer shall apprehend any such Offender, and shall deliver him or her to a Constable or other such Officer, or shall convey, or cause him or her to be conveyed to some Justice or Justices of the Peace according to the Directions of this Act, it shall and may be lawful for such Justice or Justices to reward any such Person, by making an Order under Hand and Seal upon the Constable or such other Officer as aforesaid, where any such Offender shall be apprehended, to pay Ten Shillings to the Person so apprehending him or her, within one Week after Demand and producing such Order, and upon his giving a Receipt for the same; which Money shall be repaid to such Constable or other Officer by the High or Chief Constable of the Hundred or Division in which such Parish or Place shall lie, such Petty Constable or other Officer producing such Order of the Justice or Justices of the Peace, and a Receipt from the Person to whom such Reward was paid, and giving a Receipt to the High or Chief Constable for the same; and the same shall be allowed or paid by the Treasurer of the County, Riding, Division, or Liberty, to such High or Chief Constable, on his passing his Accounts, and delivering such Order and Receipts and also his own Receipt for the same to such Treasurer; and the said Justices at the General or Quarter Sessions shall allow the same to such Treasurer in his Accounts, upon his producing and delivering up the Vouchers aforesaid; and in Cities, Boroughs, Towns Corporate, and other Places, where there are no High or Chief Constables, such Petty Constables and other Officers shall be allowed what they shall so pay by virtue of this Act in their respective Accounts, upon their producing and delivering up the like Vouchers; and in case any Petty Constable or other such Officer shall refuse or neglect to pay the said Ten Shillings to the Person so intitled to the same as aforesaid, it shall and may be lawful for such Justice or Justices of the Peace, by Warrant under Hand and Seal to levy the Sum of Twenty Shillings by Distress and Sale of the Goods of such Petty Constable or other Officer, and thereout to allow the said Reward of Ten Shillings to the Person intitled to the same as aforesaid, and such other Recompence for his Trouble, Loss of Time, and Expences, as the said Justice or Justices shall think fit; and the Overplus (if any) shall be returned to such Petty Constable or other Officer upon Demand; and in case any Petty Constable or other such Officer shall pay the said Ten Shillings to any Person intitled to the same as aforesaid, and the said High or Chief Constable shall refuse or neglect to reimburse him on Demand, it shall and may be lawful for such Justice or Justices of the Peace, by Warrant under Hand and Seal to levy the Sum of Twenty Shillings by Distress and Sale of the Goods of such High or Chief Constable, and thereout to allow to such Petty Constable or other Officer the said Ten Shillings, and such other Recompence for his Trouble, Loss of Time, and Expences, as the said Justice or Justices shall think fit, and the Overplus (if any) shall be returned to such High or Chief Constable upon Demand.

Punishment of a Constable, &c. refusing to take Vagabonds.

Reward for taking Vagabonds.

Privy Search.

VI. And be it further enacted by the Authority aforesaid, That the Justices of the Peace for every County, Riding, City, Borough, Town Corporate, Division, or Liberty, or any Two of them, shall Four Times in the Year at least (or oftner if need be) meet in their respective Divisions, and by their Warrant command the Constables or other Peace Officers of every Hundred, Parish, Town, and Hamlet, in their several Divisions, who shall be assisted with sufficient Men of the same Places, to make a general Privy Search in one Night throughout their several and respective Limits, for the finding and apprehending of Rogues and Vagabonds; and such as they shall find and apprehend upon such Search, they shall cause to be brought before any Justice or Justices of the Peace of the same County, Riding, City, Borough, Town Corporate, Division, or Liberty.

Vagabonds to be examined on Oath,

VII. And be it further enacted by the Authority aforesaid, That where any Rogues or Vagabonds apprehended by any Constable, or such other Officer, or Inhabitant of any Parish or Place, or upon such Privy Search, as aforesaid, shall be brought before any Justice

ſtice or Juſtices of the Peace, it ſhall and may be lawful for ſuch Juſtice or Juſtices, and he and they are hereby required, to inform him or themſelves by the Examination upon Oath of the Perſon or Perſons apprehended, or of any other Perſon, of the Condition and Circumſtances of the Perſon or Perſons ſo apprehended, and of the Pariſh or Place where he, ſhe, or they were laſt legally ſettled; the Subſtance of which Examination or Examinations ſhall be put into Writing, and be ſubſcribed or ſigned by the Perſon or Perſons ſo examined; and the ſaid Juſtice or Juſtices ſhall likewiſe ſign the ſame, and tranſmit it to the next General or Quarter Seſſions of the Peace to be holden for the ſame County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, there to be filed and kept on Record; and in caſe it ſhall appear that ſuch Perſon hath any legal Settlement, ſuch Juſtice or Juſtices of the Peace ſhall and are hereby required by a Paſs under Hand and Seal, directed in the Manner and Form hereafter directed, and taking Notice where and for what Cauſe ſuch Perſon was apprehended, and whither he or ſhe is to paſs, to cauſe ſuch Rogue or Vagabond, of whatſoever Age he or ſhe be, to be conveyed to the Place of his or her laſt legal Settlement; but if it cannot be found that ſuch Perſon hath any legal Settlement, then ſuch Perſon ſhall be conveyed by ſuch Paſs as aforeſaid to the Place of his or her Birth; or if ſuch Perſon be under the Age of Fourteen Years, and have any Father or Mother living, then to the Place of the Abode of ſuch Father or Mother; or in caſe ſuch Place of Birth or Parents Abode cannot be known, then to the Pariſh, Town, or Place where he or ſhe was laſt found begging or miſordering him or herſelf, and paſſed unapprehended, and ſhall be there delivered to ſome Churchwarden, Chapelwarden, or Overſeer of the Poor of ſuch Pariſh, Town, or Place; which Paſs ſhall be in the Form, or to the Effect following;

and ſign their Examination,

to be recorded at the General Quarter Seſſions.

Manner of paſſing Vagabonds.

To the Conſtable of the Pariſh of in the County of or *to the Tythingman or other Officer* (as the Caſe ſhall be) *and alſo to the Governor or Maſter of the Houſe of Correction at within the ſaid County; and likewiſe to all Governors or Maſters of all Houſes of Correction, whom it may concern to receive and convey; and to the Churchwardens, Chapelwardens, or Overſeers of the Poor of the Pariſh, Place,* or *Precinct* (as the Caſe ſhall be) *of in the County of or either of them, to receive and obey.*

WHEREAS was *or* were apprehended in the Pariſh of *or* in the Town of [*deſcribing it*] as a Rogue and Vagabond, *or* as Rogues and Vagabonds, and brought before me *or* us, One, Two, *or more* of His Majeſty's Juſtices of the Peace, for this County, Riding, City, Borough, Town Corporate, Diviſion, *or* Liberty, and upon Examination of the ſaid taken before me, *or* us, upon Oath, it doth appear, that he, ſhe, *or* they, is a Rogue and Vagabond, *or* are Rogues and Vagabonds, within the true Intent and Meaning of the Statute in that Caſe made and provided; and that his, her, *or* their laſt legal Settlement is at in this County, *or* the County of *or* that the ſaid was *or* were born in the Pariſh of in this County, *or* in the County of and hath not ſince obtained any legal Settlement; *or* that the ſaid is *or* are under the Age of Fourteen Years, and hath *or* have a Father *or* Mother living or abiding in the Pariſh *or* Town of *or other Place* [*deſcribing it*] *or* that the ſaid was *or* were laſt found begging, or miſordering him, herſelf, *or* themſelves, in the Pariſh *or* Town of *or other Place* [*deſcribing it*] and paſſed through the ſame unapprehended, and the Place of his, her, *or* their legal Settlement, Birth, or Parents Abode cannot be diſcovered: Theſe are therefore to require you the ſaid Conſtable, *or other Officer* [*as the Caſe ſhall be*] to convey the ſaid in the next direct Way to the ſaid Pariſh *or* Town of *or other Place*, within the ſaid County, *or* next adjacent County [*as the Caſe ſhall happen, deſcribing it*] and there to deliver him, her, *or* them, to ſome Churchwarden, Chapelwarden, or Overſeer of the Poor of the ſame Pariſh, Town, *or* Place, to be there provided for according to Law: And you the ſaid Churchwardens, Chapelwardens, and Overſeers of the Poor, are hereby required to receive the ſaid Perſon *or* Perſons, and provide for him, her, *or* them, as aforeſaid; *or in caſe the ſaid Place be not within the ſame or next adjacent County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, then* to convey the ſaid to the Houſe of Correction at in the ſaid County *or* Place; and you the ſaid Governor or Maſter of the ſaid Houſe of Correction to receive the ſaid into your Cuſtody, and him, her, *or* them to convey, or cauſe to be conveyed to the firſt Houſe of Correction in the next County or Place, in the direct Way to the ſaid Pariſh *or* Town of *or other Place* [*deſcribing it*] and in like Manner every other Governor or Maſter of every Houſe of Correction to whom it may belong, to convey the ſaid from Houſe of Correction to Houſe of Correction, until he, ſhe, *or* they ſhall arrive at the Houſe of Correction belonging to the County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, to which the ſaid Pariſh, Town, *or* Place doth belong; and the Maſter or Governor of the ſaid Houſe of Correction to convey and deliver, or cauſe to be conveyed and delivered the ſaid to ſome Churchwarden, Chapelwarden, or Overſeer of the Poor of the ſaid Pariſh *or* Town of *or other Place* [*deſcribing it*] to be there provided for according to Law; and you the ſaid Churchwardens, Chapelwardens, and Overſeers of the Poor, are hereby required to receive the ſaid Perſon *or* Perſons, and provide for him, her, *or* them, as aforeſaid.

Form of the Juſtices Paſs.

VIII. And be it further enacted by the Authority aforeſaid, That ſuch Juſtice or Juſtices ſhall make or cauſe to be made a Duplicate of ſuch Paſs, and ſign the ſame, and ſhall afterwards tranſmit it to the next General or Quarter Seſſions of the Peace to be holden for the ſame County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, there to be filed and kept on Record; and the ſaid Duplicate, or a Copy thereof, ſhall and may be read in any Court of Record in England, Wales, or the Town of Berwick upon Tweed, as Evidence that ſuch Paſs was made and ſigned by ſuch Juſtice or Juſtices.

Duplicate of the Paſs to be recorded at the Quarter Seſſions.

IX. Provided always, and be it further enacted by the Authority aforeſaid, That if any Perſon herein before deſcribed to be a Rogue and Vagabond, ſhall be apprehended and brought before any ſuch Juſtice or Juſtices of the Peace, it ſhall and may be lawful to and for ſuch Juſtice or Juſtices, before ſuch Perſon ſhall be ſent by ſuch Paſs as aforeſaid (if upon Examination as aforeſaid ſuch Juſtice or Juſtices ſhall ſee Cauſe) to ſend him or her to the Houſe of Correction, there to be kept to hard Labour until the next General or Quarter Seſſions, or for ſuch ſhorter Space of Time as ſuch Juſtice or Juſtices ſhall think fit

Vagabonds may be ſent to the Houſe of Correction,

fit according to the Nature of his or their Offence; and that such Person shall afterwards be sent away by such Pass as aforesaid.

Incorrigible Rogues to be sent to the House of Correction,

X. And be it further enacted by the Authority aforesaid, That where any Person described to be an incorrigible Rogue by this Act shall be brought before any such Justice or Justices of the Peace, it shall and may be lawful to and for such Justice or Justices to commit such Person to the House of Correction of the said County, Riding, City, Borough, Town-corporate, Division, or Liberty, till the next General or Quarter-sessions, there to be kept to hard Labour; and if the said Justices of the Peace at the General or Quarter-sessions as aforesaid, or the major Part of them, shall on Examination of the Circumstances of the Case adjudge any Person who shall have been committed to the House of Correction as a Rogue or Vagabond, or as an incorrigible Rogue, to be an incorrigible Rogue, they or the major Part of them may or shall order him or her, to be detained and kept in the said House of Correction to hard Labour, for such further Time as they shall think proper, not

not exceeding 6 Months.

exceeding Six Months from the Time of making such Order of Sessions, and during the Time of such his or her Confinement to be corrected by whipping him or her in such Manner and at such Times and Places within their Jurisdiction, as according to the Nature of such Persons Offence they in their Discretion shall think fit; and such Person shall afterwards be sent away by such Pass as aforesaid; and in Case any such incorrigible Rogue, so ordered by the said General or Quarter-sessions to be detained and kept in the House of Correction, shall before the Expiration of the Time for which he or she shall be so

Breaking out, Felony.

ordered to be there detained and kept, break out or make his or her Escape from the said House of Correction, he or she shall for such Offence be guilty of Felony, and being duly convicted thereof in the County or Place where such Offence was committed, shall and may be transported by the Court where such Offender shall be so convicted, to some of His Majesty's Colonies or Plantations in America, for such Term as the said Court shall think

and to be transported for 7 Years.

fit, not exceeding Seven Years, in the same Manner as by an Act made in the Fourth Year of the Reign of His late Majesty King George the First, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, and unlawful Exporters of Wooll, and for declaring the Law upon some Points relating to Pirates; and by one other Act made in the Sixth Year of the Reign of His said late Majesty, intituled, An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons, the Offenders therein mentioned are to be transported to the said Colo-

Persons returning from Transportation, before the Time, shall suffer Death.

nies or Plantations; and if any such Person, so ordered to be transported, shall before his or her Transportation voluntarily break out or make his or her Escape from the said House of Correction, or being transported shall return into Great Britain or Ireland before the Expiration of the Term for which such Person shall be transported, or shall be afterwards at large within any Part of the Kingdom of Great Britain without some lawful Cause, before the Expiration of the Term for which such Person was ordered to be transported, he or she so breaking out, escaping, returning, or being at large, as aforesaid, shall be guilty of Felony, and being lawfully convicted thereof shall suffer Death as in Cases of Felony, without Benefit of Clergy.

Persons found begging, after being passed home, to be sent to the House of Correction for 3 Months, and whipped;

XI. And be it further enacted by the Authority aforesaid, That in Case any Person hereby described to be an incorrigible Rogue, and sent to any Parish or Place by virtue of this Act, shall afterwards be found begging or misordering him or herself in any other Parish or Place, it shall and may be lawful for any Justice or Justices of the Peace of the County, Riding, City, Borough, Town-corporate, Division, or Liberty, where such Person shall be so found begging, or otherwise misordering him or herself, to commit such Person by Warrant under Hand and Seal to the House of Correction, there to be kept to hard Labour for the Space of Three Months, and to be publickly whipped in such Manner and at such Times, as such Justice or Justices shall in his or their Discretion think

and passed again.

fit; and such Person shall afterwards be sent away again by such Pass as aforesaid to the Parish or Place to which he or she was first sent.

Justices to give Certificate to Constable to pass Rogues, &c.

XII. And to prevent unnecessary Expence in the passing or conveying of Rogues, Vagabonds, and incorrigible Rogues, be it enacted by the Authority aforesaid, that the Justice or Justices of the Peace who shall make any Pass for passing or conveying any Rogue, Vagabond, or incorrigible Rogue, or any Rogues, Vagabonds, or incorrigible Rogues, to the Place of his, her, or their legal Settlement, or to the Place of his, her, or their Birth, or the Abode of his, her, or their Father or Mother, or the Place where such Rogue, Vagabond, or incorrigible Rogue, or Rogues, Vagabonds, or incorrigible Rogues, was or were last found begging or misordering him, herself, or themselves, and passed unapprehended, shall at the same Time with the said Pass cause likewise to be delivered to the Constable or other Officer appointed to convey him, her, or them, a Note or Certificate, ascertaining how he, she, or they is or are to be conveyed, by Horse, Cart, or on Foot, and whither, and what Allowance such Constable or other Officer is to have for conveying such Person or Persons to the Place to which such Constable or Officer is to pass him, her, or them, in the Form, or to the Effect following, Videlicet:

Form of Certificate.

WHEREAS by a Pass [*reciting the Substance or Effect of the said Pass*] I [*or* we] do hereby order and direct the said Person *or* Persons to be conveyed on Foot (*or* in a Cart, *or* by Horse, &c.) to the said Parish *or* Town of in *or other Place* [*describing it*] *or* to the House of Correction, at in the Way to such Parish, Town, *or* Place [*as the Case shall be*] in Days Time, for which the said Constable, &c. is to be allowed the Sum of and no more.

Given under my Hand (or *our Hands*) *this Day*, &c.

Manner of passing Vagabonds.

XIII. And be it further enacted by the Authority aforesaid, That the Constable or other Officer who shall receive such Pass and Certificate, shall and is hereby required to convey, or cause to be conveyed, the Person or Persons named in such Pass, in such Manner, and in such Time, as by the same Pass shall be directed, the next direct Way to the Place where he, she, or they are ordered to be sent, if such Place be in the same County, Riding, or Division, where the said Person or Persons were apprehended, or any County,

Riding, or Division next adjoining thereunto; But whereas if the Place to which the Person or Persons so apprehended is to be sent, lies in some distant County, Riding, or Division, the Delivery of the Person or Persons to the Constable, or other such Officer of the first Town, Parish, or Place, in the next County, Riding, or Division, is found inconvenient, since it often happens, such Officer is unprovided with, and cannot readily furnish the Means of conveying them forwards, whereby the Persons to be conveyed are kept at great Charge, and many times suffered to escape; for Remedy thereof, be it further enacted, That when the Place to which the Person or Persons apprehended are to be sent, lies remote, and there be one or more Counties, Ridings, or Divisions intervening, the Constable or other Officer to whom such Pass and Certificate shall be given, shall forthwith cause the Person or Persons therein named to be conveyed to the next House of Correction in the same County, Riding, or Division, where he or they dwell, and deliver him, her, or them to the Governor or Master thereof, together with the said Pass and Certificate, taking his Receipt for the same; And such Governor or Master of such House of Correction is hereby required to receive them and give such Receipt, and with all convenient Speed to convey them, in such Manner as by the said Certificate is directed, to some House of Correction in the adjoining County, Riding, or Division that lies in the most direct or proper Road towards the Place to which the Person or Persons so conveyed are ordered to be sent, or nearest to such Road, and deliver him, her, or them with the said Pass to the Governor or Master of the House of Correction in such adjoining County, Riding, or Division, who is hereby required to receive the Person and Persons so brought to him and the Pass by which brought, and to give a Receipt for the Delivery of such Person or Persons to him upon the said Certificate, and shall without Delay apply to some Justice of the Peace in the said County, Riding, or Division, who shall make the like Certificate as before (mutatis mutandis) and deliver it to the Governor or Master of the last House of Correction, who shall and is hereby required with all Speed to convey the Person or Persons named in the Pass, with and by virtue of the former Pass, unto the House of Correction in the next County, Riding, or Division, in the Way to the Place to which such Person or Persons are to be conveyed; and so in like Manner from the House of Correction in one County, Riding, or Division, to the House of Correction in another, till they come to some House of Correction in the County, Riding, or Division, wherein the Place is to which such Person or Persons are sent, there to be kept to hard Labour for any Time not exceeding One Month; and then such Person or Persons shall be conveyed to such Place, and there delivered to the Churchwarden, Chapelwarden, or Overseer of the Poor of the same Place, who is hereby required to receive such Person or Persons together with the Pass, and provide for them accordingly, and give the like Receipt of or for such Delivery as aforesaid; and the Governor or Master of each House of Correction, to which the Person or Persons removed by virtue of such Pass are brought, is hereby required to receive and convey forward such Person and Persons, and to procure new Certificates for the Charge and Manner of conveying them, and to give Receipts for the Delivery of all Persons conveyed, in like Manner as aforesaid.

Directions to Constables, and Masters of Work-houses, &c.

XIV. And be it further enacted by the Authority aforesaid, That the Constable, or other Officer of any Parish or Place within the Counties of Cumberland, Northumberland, Durham, or Town of Berwick upon Tweed, and every Governor or Master of any House of Correction within the said Counties or Town, shall, and they are hereby authorized and required, upon any Person or Persons being delivered to them by a Pass, who shall have been apprehended within the said Counties or Town, or brought to them according to the Direction of this Act, whose Place of legal Settlement is in that Part of Great Britain called Scotland, to convey or cause to be conveyed such Person or Persons into the next adjoining Shire, Stewarty, or Place in that Part of the United Kingdom, and to deliver him, her, or them to some Constable or other Officer of the next Parish, District, or Place within the said Shire, Stewarty, or Place, taking his Receipt for him, her, or them; and such Officer is hereby required to receive such Person or Persons, and give such Receipt, and to dispose of him, her, or them according to Law.

Where Persons are passed in or to *Scotland*.

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for any Justice of the Peace of any Shire or Stewarty within that Part of Great Britain called Scotland, next adjoining to the Counties of Cumberland, Northumberland, Durham, or Town of Berwick upon Tweed, to cause any Constable or other such Officer, to convey or cause to be conveyed any Person or Persons apprehended within their Jurisdictions, or brought to them from that Part of the United Kingdom, as Rogues, Vagabonds, or incorrigible Rogues, whose Place of legal Settlement shall upon Examination taken according to the Law and Usage of Scotland appear to be in that Part of Great Britain called England, to the first House of Correction in the said Counties of Cumberland, Northumberland, Durham, or Town of Berwick upon Tweed, and to deliver him, her, or them to the Governor or Master of the said House, taking his Receipt for him, her, or them; who is hereby required to receive such Person or Persons, and give such Receipt, and forthwith to apply to some Justice of the Peace in the same County or Town, who shall cause such Person or Persons to be conveyed to the Place of his, her, or their legal Settlement (if within the said Counties or Town) or else to be conveyed to the House of Correction in the next County, in the most direct or proper Way to the Place of his, her, or their legal Settlement, according to the Directions of this Act.

Master of a Ship, bringing a Vagabond from abroad, forfeits 5*l.* besides the Charges of carrying such Vagabond back.

XVI. And be it further enacted by the Authority aforesaid, That in case the Master of any Ship or Vessel, or other Person having Command in the Voyage, shall bring into this Realm from Ireland, the Isle of Man, the Isles of Jersey, Guernsey, or Scilly, or any of the foreign Plantations, any Rogue, Vagabond, or Beggar, or any Person or Persons likely to live by begging, being a Native of any of the said Islands or Plantations, and the Person or Persons so brought over shall be apprehended wandering and begging, or otherwise misordering him or herself, as aforesaid, such Master, or Person having Command in the said Voyage, shall forfeit the Sum of Five Pounds for every Rogue, Vagabond, or Beggar so brought over, over and above such Sum of Money as shall be necessary to defray the Charges that any Constable or other Officer shall be put unto by Means of apprehending

apprehending and re-conveying back the Perſon or Perſons ſo brought over; and that the Conſtable or other Officer of any Pariſh or Place, where any Perſon or Perſons ſo brought over ſhall be found wandering and begging, or miſordering him or herſelf, as aforeſaid, may cauſe him, or her, or them to be apprehended, and openly whipped, and after carried and put on Board any Ship or Veſſel, in order to be re-conveyed and ſet on Shore in the ſame Iſland or Place from whence he, ſhe, or they were brought, paying for the Paſſage back of ſuch Perſon or Perſons ſuch Rate per Head as the Juſtices of the Peace at their Quarter-ſeſſions ſhall from time to time appoint, to the Maſter of the ſaid Ship or Veſſel for his Carriage back; and in caſe ſuch Conſtable or other Officer ſhall upon Oath make appear before any Juſtice or Juſtices of the Peace for the ſame County or Place (which Oath ſuch Juſtice is hereby impowered to adminiſter) what Expence he hath been put to upon ſuch Occaſion; it ſhall and may be lawful for ſuch Juſtice or Juſtices of the Peace, by Order under his or their Hand and Seal to direct the Payment of the Sum of Money ſo expended, as alſo of the ſaid Penalty of Five Pounds; and in caſe ſuch Maſter, or other Perſon having Command of the ſaid Ship or Veſſel, ſhall refuſe or neglect to pay the ſame Monies ſo ordered to be paid upon Demand, it ſhall and may be lawful for ſuch Juſtice or Juſtices, by Warrant under his or their Hand and Seal to levy the ſame by Diſtreſs and Sale of the ſaid Ship or Veſſel, or any of the Goods within the ſame, while found or remaining within the Power and Juriſdiction of ſuch Juſtice or Juſtices; and if the ſaid Maſter or the ſaid Ship or Veſſel ſhall be gone out of the Power or Juriſdiction of the ſaid Juſtice or Juſtices of the Peace, the ſaid Order of the ſaid Juſtice or Juſtices may be removed by Certiorari into His Majeſty's Court of King's Bench, and there filed on Record; and being ſo filed, the Judges of the ſaid Court are hereby authorized and required to direct Proceſs for the ſtaying and arreſting the ſaid Ship or Veſſel and detaining the ſame, until the Monies mentioned in ſuch Order together with the Charges of iſſuing and executing ſuch Proceſs ſhall be fully ſatisfied; or otherwiſe to award Proceſs for levying the ſaid Money by Capias, Fieri facias, or Elegit, againſt the Maſter or Owners of the ſaid Ship or Veſſel, as the ſaid Court ſhall think moſt proper.

Juſtices to ſettle the Rates for returning Vagabonds.

Fine on Maſters of Ships, how to be levied.

Juſtice's Order, how to be traverſed.

XVII. Provided always, That in caſe ſuch Maſter or Owners of the ſaid Ship or Veſſel, or any of them, ſhall in the ſaid Court of King's Bench ſhew any probable Ground of Grievance by the ſaid Order, he or they may be admitted by the ſaid Court to traverſe the ſaid Order, giving Security by Recognizance or otherwiſe in the Penalty of Fifty Pounds, to anſwer and ſatisfy the Coſts and Charges of ſuch Traverſe, in caſe it ſhall be determined againſt him or them.

XVIII. And whereas divers Vagrants have been conveyed from County to County, in order to be ſent to Places in *Ireland*, the Iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly* (their laſt legal Settlement) but for want of Authority to compel Maſters of Ships and Veſſels to take them on Board, in order to be carried thither at reaſonable Rates, they may be very chargeable to the Maritime Counties, Towns, and Places in *England* and *Wales*, where they may lie for ſuch Exportation; be it therefore enacted by the Authority aforeſaid, That all and every Maſter and Maſters of Ships and Veſſels bound for Ireland, the Iſles of Man, Jerſey, Guernſey, or Scilly, ſhall, and they and each of them is and are hereby required, upon Warrant to him or them directed under the Hand and Seal of a Juſtice of the Peace of the County, Town, or Place where ſuch Ship or Veſſel ſhall lie, to take on Board the ſame ſuch Vagrant and Vagrants as ſhall be named and expreſſed in the ſaid Warrant, and convey him, her, or them to ſuch Place in Ireland, the Iſle of Man, Jerſey, Guernſey, or Scilly, as ſuch Ship or Veſſel ſhall be bound to, or ſhall arrive at, and for the Charges thereof ſuch Maſter ſhall take, and the Conſtable or Perſon who ſerves him with the ſaid Warrant ſhall pay him, ſuch Rate per Head as the Juſtices of the Peace at their Quarter-ſeſſions ſhall from time to time appoint, for every ſuch Vagrant ſo brought and delivered to him; and ſuch Maſter ſhall and is hereby required on the Back of the ſaid Warrant to ſign a Receipt for the Money ſo paid, and alſo for the Vagrant or Vagrants ſo brought and delivered; which Warrant ſo indorſed ſhall then be produced to the Juſtice of the Peace who ſigned and ſealed the ſame; and, upon his Allowance thereof under his Hand, the Money ſo paid ſhall be repaid by the County, in ſuch Manner as by this Act the Money to be paid for conveying Vagrants from County to County is directed: And every Maſter of ſuch Ship or Veſſel neglecting or refuſing to receive on Board, or to tranſport ſuch Vagrant or Vagrants, or to indorſe and ſign ſuch Receipt, as aforeſaid, ſhall forfeit Five Pounds to the Uſe of the Poor of the ſaid Pariſh, to be levied by Diſtreſs and Sale of the ſaid Ship, or any Goods within the ſame, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſame County, City, or Town-corporate, returning the Overplus (if any be) upon Demand, after the ſaid Penalty and Charges of levying the ſame.

Maſters of Ships obliged to take the Rates ſettled by Juſtices, for returning Vagrants.

Juſtices to ſettle the Allowance *per* Mile for paſſing Vagrants.

XIX. And be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace of any County, Riding, City, Borough, Town-corporate, Diviſion, or Liberty, ſhall and may at the General or Quarter-ſeſſions of the Peace from time to time, limit, appoint, and direct what Rates or Allowances per Mile or otherwiſe, ſhall be made for the paſſing, conveying, or maintaining of Rogues, Vagabonds, or incorrigible Rogues, to be paſſed or conveyed as aforeſaid; and may likewiſe make ſuch other Orders, Rules, and Directions for the more regular proceeding or acting therein within their reſpective Limits and Juriſdictions, as they in their Diſcretion ſhall think proper; which Rates, Allowances, Orders, Rules, and Directions, ſhall from time to time be obſerved and ſubmitted to by all Juſtices of the Peace, Conſtables, Officers, and other Perſons within the ſame Limits and Juriſdictions reſpectively.

High Conſtable to pay the Rate for paſſing Vagrants by Certificate from the Juſtice;

XX. And be it further enacted, That in caſe any Petty Conſtable or other ſuch Officer of any Pariſh or Place ſhall bring to any High or Chief Conſtable any ſuch Certificate as aforeſaid as ſhall be given him by any Juſtice or Juſtices of the Peace of the proper County or Place, aſcertaining how and for what Rates or Allowances he ſhall be required to convey any Rogues, Vagabonds, or incorrigible Rogues as aforeſaid, together with a Receipt or Note from the Churchwarden, Chapelwarden, or Overſeer of the Poor, or Governor or Maſter of any Houſe of Correction, to whom the Perſon or Perſons ſo to be conveyed was or were delivered; the ſaid High or Chief Conſtable ſhall and may pay unto ſuch Petty

Conſtable or other Officer the Rates or Allowances aſcertained in and by ſuch Certificate, and no more, taking from ſuch Petty Conſtable or other Officer ſuch Certificate and his Receipt for the ſame; and the ſaid High or Chief Conſtable ſhall be allowed the ſame ſo paid by the Treaſurer of the County, Riding, Liberty, or Diviſion, on his paſſing his Accounts, upon his producing and delivering up ſuch Certificate and Receipt, and giving his own Receipt for the ſame to ſuch Treaſurer; and the Juſtices at the General or Quarter Seſſions ſhall allow the ſame to ſuch Treaſurer in his Accounts, upon his producing and delivering up the Vouchers aforeſaid; and in caſe any High or Chief Conſtable ſhall refuſe or neglect to pay the ſaid Petty Conſtable the Rates or Allowances aſcertained in and by ſuch Certificate and Receipt on Demand, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace of the ſaid County, Riding, Liberty, or Diviſion, by Warrant under Hand and Seal to levy double the Sum aſcertained in and by ſuch Certificate, by Diſtreſs and Sale of the Goods of ſuch High or Chief Conſtable, and thereout to allow the ſaid Petty Conſtable or other Officer the Sum aſcertained in and by ſuch Certificate and Receipt, and ſuch other Recompence for his Trouble, Loſs of Time, and Expences, as the ſaid Juſtice or Juſtices ſhall think fit, and the Overplus (if any) ſhall be returned to ſuch High or Chief Conſtable upon Demand; and in Cities, Towns Corporate, and other Places where there is no High or Chief Conſtable, ſuch Petty Conſtables or other Officers ſhall be allowed what they ſhall ſo pay purſuant to the Directions of ſuch Certificate, in their reſpective Accounts, upon their producing and delivering up ſuch Vouchers.

to be allowed in his Accounts by the Treaſurer of the County; and the Treaſurer, by the Juſtices in Quarter Seſſions.

High Conſtable not obeying the Juſtices Order, to pay double.

XXI. And be it further enacted by the Authority aforeſaid, That the Treaſurer of the County, City, Riding, Liberty, or Diviſion, ſhall from time to time pay out of any publick Money in his Hands to the Governor or Maſter of the Houſe of Correction within the ſaid County, City, Riding, Liberty, or Diviſion, all ſuch Money as he ſhall have expended in conveying, or cauſing to be conveyed, Rogues or Vagabonds in purſuance of this Act; the ſaid Governor or Maſter producing to him ſuch Certificate as before directed, together with a Receipt or Note from the Governor or Maſter of the Houſe of Correction, or the Churchwarden, Chapelwarden, or Overſeer of the Poor, to whom ſuch Perſon or Perſons ſo to be conveyed was or were delivered, and giving his own Receipt for the ſame, and the Juſtices at the General or Quarter Seſſions ſhall allow the ſame to ſuch Treaſurer in his Accounts, upon his producing and delivering up ſuch Vouchers as aforeſaid.

Treaſurer of the County to pay Charges to Maſter of the Workhouſe.

XXII. Provided always, and be it further enacted by the Authority aforeſaid, That in caſe any ſuch Petty Conſtable or other Officer, or Governor or Maſter of any Houſe of Correction, ſhall counterfeit any ſuch Certificate, Receipt, or Note, or make, or knowingly permit to be made, any Alteration in ſuch Certificate, Receipt, or Note, he ſhall forfeit the Sum of Fifty Pounds: And in caſe he ſhall not actually convey, or cauſe to be conveyed, the Perſon or Perſons thereby intended to be conveyed to the Place where by virtue of any Paſs to be made as aforeſaid he, ſhe, or they ought by ſuch Petty Conſtable or other ſuch Officer, or Governor or Maſter of any Houſe of Correction, to be conveyed, or ſhall not deliver him, her, or them to the proper Perſon and Place to which he, ſhe, or they ought to be conveyed; or any Governor or Maſter of any Houſe of Correction, or any Churchwarden, Chapelwarden, or Overſeer of the Poor, ſhall refuſe to receive any ſuch Perſon or Perſons ſent to them, or to give a Receipt or Note as before directed; that in any of the ſaid Caſes the ſaid Conſtable, Officer, Governor, or Maſter of the Houſe of Correction, Churchwarden, Chapelwarden, or Overſeer of the Poor, ſhall forfeit the Sum of Twenty Pounds; which ſaid reſpective Forfeitures ſhall be levied by Diſtreſs and Sale of the Offender's Goods by Warrant or Order of the Juſtices of the Peace of the County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, where ſuch Offence ſhall be committed, at their General or Quarter Seſſions; one Moiety to be paid to the Perſon or Perſons who ſhall firſt make Information againſt any ſuch Officer, and the other Moiety to be paid to the Treaſurer of the County or Place, to be applied by him as Part of the publick Stock; and the Overplus (if any) after ſuch Forfeitures levied, and the Charges of Diſtreſs ſatisfied, ſhall be returned to ſuch Petty Conſtable or other Officer, or to the Governor or Maſter of the Houſe of Correction, or Churchwarden, Chapelwarden, or Overſeer of the Poor reſpectively upon Demand.

Counterfeiting or altering Certificate, to forfeit 50 l.

Penalty on Officers neglecting Duty.

XXIII. And be it enacted by the Authority aforeſaid, That the Pariſh or Place to which any Rogue, Vagabond, or incorrigible Rogue ſhall be conveyed by Paſs, as aforeſaid, ſhall take Care to employ in Work, or place in ſome Work-houſe, or Alms-houſe, the Perſon or Perſons ſo conveyed to them, until he, ſhe, or they ſhall betake themſelves to ſome Service or other Employment; and in caſe any ſuch Perſon or Perſons ſhall refuſe to work, or ſhall not betake themſelves to ſome Service or Employment, the Overſeers of the Poor of the ſame Pariſh or Place, or One of them, may cauſe ſuch Perſon or Perſons to be carried before ſome Juſtice of the Peace of the County, Riding, City, Borough, Town Corporate, Diviſion, or Liberty, in order to be ſent to the Houſe of Correction, there to be kept to hard Labour.

Vagrant refuſing to work, to be ſent to the Houſe of Correction.

XXIV. And whereas there are ſometimes in Pariſhes, Towns, and Places, Perſons of little or no Eſtates, who by Lunacy or otherwiſe are furiouſly mad, or ſo far diſordered in their Senſes, that they may be dangerous to be permitted to go abroad; be it therefore enacted by the Authority aforeſaid, That it ſhall and may be lawful for any Two or more of the Juſtices of the Peace of any County, Town, or Place in England, Wales, and Town of Berwick upon Tweed, where ſuch lunatick or mad Perſon ſhall be found, by Warrant under their Hands and Seals directed to the Conſtables, Churchwardens, and Overſeers of the Poor of ſuch Pariſh, Town, or Place, or ſome of them, to cauſe ſuch Perſon to be apprehended, and kept ſafely locked up in ſome ſecure Place within the County or Place where ſuch Pariſh or Town ſhall lie, as ſuch Juſtices ſhall under their Hands and Seals direct and appoint; and (if ſuch Juſtices find it neceſſary) to be there chained, if the laſt legal Settlement of ſuch Perſon ſhall be in any Pariſh, Town, or Place, within ſuch County or Place; and if ſuch Settlement ſhall not be there, then ſuch Perſon ſhall be ſent to the Place of his or her laſt legal Settlement by a Paſs, and ſhall be locked up or chained as aforeſaid; and the Charges of keeping and maintaining ſuch Perſon, during ſuch Reſtraint, which ſhall be for and during ſuch Time

Lunaticks to be taken Care of;

only as such Lunacy or Madness shall continue, shall be satisfied and paid by Order of Two or more Justices of the Peace for the County, Town, or Place where such Settlement shall be, out of the Estate of such Person if he or she hath an Estate to pay and satisfy the same over and above what shall be sufficient to maintain his or her Family (if any) and if he or she hath not such Estate, then the Charges of keeping and maintaining such Person during such Restraint shall be satisfied and paid by such Ways and Means as the Poor of such Parish, Town, or Place are by the Laws in Being to be provided for.

But not in Prejudice of the Prerogative.

XXV. Provided always, That this Act, or any thing therein contained, shall not extend, or be construed to extend to restrain or abridge the Prerogative of the King, or the Power or Authority of the Lord Chancellor, Lord Keeper, or Commissioners of the Great Seal of Great Britain for the time being, or the Chancellor or Vice-chancellor of the County Palatine of Lancaster for the time being, or of the Chamberlain or Vice-chamberlain of the County Palatine of Chester for the time being, touching or concerning such Lunaticks; any thing in this Act contained to the contrary notwithstanding.

Penalty on Officers not complying with this Act,

and on Persons rescuing Vagabonds.

XXVI. And be it further enacted by the Authority aforesaid, That in case any Constable or other Officer, or Governor or Master of any House of Correction, shall refuse or neglect to perform his Duty in apprehending or conveying Rogues, Vagabonds, or incorrigible Rogues, or shall be otherwise defective, remiss, or negligent in his Duty in the Execution of this Act; or in case any Person or Persons shall disturb or hinder the Execution of this Act, or shall rescue any Person apprehended, or passing from Place to Place by virtue thereof, or shall be advising, aiding, or assisting to his or her Escape, and shall be thereof convicted upon the Oath of One or more credible Witness or Witnesses before One or more Justice or Justices of the Peace of the County, Riding, City, Borough, Town Corporate, Division, or Liberty, where such Offence shall be committed (which Oath the said Justice or Justices are hereby impowered to administer) the Person or Persons so offending for every such Offence shall forfeit any Sum not exceeding Five Pounds, nor less than Ten Shillings, to the Use of the Poor of the Parish or Place where such Offence shall be committed, to be levied by Distress and Sale of the Offender's Goods, by Warrant from such Justice or Justices, returning the Overplus (if any be) upon Demand, after the said Forfeiture and Charges of making and keeping the said Distress shall be paid and satisfied; and if sufficient Distress cannot be found, it shall and may be lawful to and for one or more such Justice or Justices to commit the Person so offending to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Months.

XXVII. And whereas Persons herein before described to be Rogues, Vagabonds, or incorrigible Rogues, are much encouraged in wandering about, by the Reception they too often meet with in Villages and Places where they are permitted to lodge in Houses, Barns, or other Out-houses or Buildings, by Means whereof, and their falling sick there, great Expences are sometimes brought upon Parishes; for Remedy thereof,

Penalties on Persons harbouring Vagrants, &c.

be it enacted by the Authority aforesaid, That if any Person shall knowingly permit or suffer any such Rogue, Vagabond, or incorrigible Rogue, to lodge or take Shelter in his or her House, Barn, or other Out-houses or Buildings, and shall not apprehend and carry such Rogue, Vagabond, or incorrigible Rogue before some Justice of the Peace, or give Notice to some Constable or other such Officer so to do, such Person being thereof lawfully convicted, either on Confession or upon Oath of one or more credible Witness or Witnesses before Two or more of His Majesty's Justices of the Peace of the County, City, Riding, Borough, Town Corporate, Division, or Liberty, where such Offence shall be committed, shall forfeit any Sum not exceeding Forty Shillings, nor under Ten Shillings; one Moiety thereof to the Informer, and the other Moiety to the Use of the Poor of the Parish or Place where such Offence shall be committed, to be levied by Distress and Sale of the Goods and Chattels of such Offender by Warrant from such Justices, returning the Overplus (if any) upon Demand, after such Forfeiture and the Charges of such Distress shall be satisfied; and if any Charge shall be brought upon any Parish or Place by Means of any such Offence, the same shall be answered to the said Parish or Place by such Offender, and be levied by Distress and Sale of his or her Goods and Chattels as aforesaid; and for want of sufficient Distress to answer such Forfeiture or Charge as aforesaid, such Offender shall be committed by such Justices to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months.

P. Bayn. 2. Oct. 79

Churchwardens, &c. may relieve casual Poor.

XXVIII. Provided always, That it shall and may be lawful to and for the Churchwardens and Overseers of the Poor of any Parishes, Towns, or Places, to provide Lodging or other Relief for any Person or Persons who shall want the same, and whilst they are in such Parishes, Towns, or Places, shall by any sudden Sickness or other accidental Misfortune be rendered incapable of being immediately removed, until he, she, or they can be removed without Danger of his, her, or their Life or Lives, by a Pass as is herein before directed, the Expence whereof shall be allowed them in their Accounts; and it shall and may be lawful to and for all Masters or Governors of any Hospitals, to lodge or harbour any sick or impotent Person or Persons, according to their respective Foundations, or to give Money in Alms, in as large and ample Manner as they are bound to do, or may do by their respective Foundations, to any sick or impotent Person or Persons; any thing herein contained to the contrary in any wise notwithstanding.

Persons aggrieved may appeal to the Quarter Sessions.

XXIX. And be it further enacted by the Authority aforesaid, That any Persons aggrieved by any Pass or other Act of any Justice or Justices of the Peace out of Sessions in or concerning the Execution of this Act, may appeal to the next General or Quarter Sessions of the County, Riding, Liberty, or Division, giving reasonable Notice thereof.

Special Laws for passing Vagrants, not to be altered.

XXX. Provided always, and be it further enacted, That in all Cities and Towns where by virtue of special Acts of Parliament the Charge of passing Vagrants is to be defrayed in other Manner than is by this Act directed, or where such Vagrants by virtue of special Statutes are to be apprehended and conveyed to the Places whither they are to be sent by any Person or Persons, or Officers, other than those named for that Purpose in this Act, such Charge shall be born and defrayed in such Cities and Towns in like Manner as before the making of this Act; and the Person or Officer liable to such Service in the said Cities and Towns by virtue of the said special Acts of Parliament shall continue liable, as if this Act had never been made.

XXXI. Provided

XXXI. Provided always, That this Act, or any thing therein contained, or any Authority thereby given, shall not in any wise extend to disinherit, prejudice, or hinder the Heirs or Assigns of John Dutton of Dutton, late of the County of Chester, Esquire, deceased, their Heirs or Assigns, for, touching, or concerning any Liberty, Privilege, Pre-eminence, and Authority, Jurisdiction or Inheritance, which they, their Heirs, or Assigns, now lawfully use or have, or lawfully may or ought to use within the County Palatine of Chester, and the County of Chester, or either of them, by reason of any ancient Charters of any Kings of this Land, or by reason of any Prescription or lawful Usage or Title whatsoever. Clause concerning *John Dutton* of *Chester*.

XXXII. And for the better Execution of this Act be it further enacted by the Authority aforesaid, That upon the Presentment of the Grand Jury or Grand Juries at the Assizes, Great Session, or General Gaol Delivery, held for any County or Liberty, that there is no House of Correction, and that it will be necessary to provide one or more House or Houses of Correction in any such County, or in any Riding, Liberty, or Division in any such County, or that the House or Houses of Correction already provided therein respectively is or are not sufficient, and that it will be necessary to provide one or more House or Houses of Correction there, or that such House or Houses of Correction is or are not convenient or sufficient, or want to be enlarged; the Justices of the Peace of any County, Riding, Liberty, or Division, being at the General or Quarter Sessions assembled, or the major Part of them, shall have full Power and Authority to build, erect, or enlarge one or more fit or convenient House or Houses of Correction, or to buy or purchase one or more fit or convenient House or Houses for that Purpose, with a convenient Backside or Outlet, or convenient Backsides or Outlets thereto adjoining, or to purchase Land, and erect such House or Houses of Correction upon Part thereof, and to lay out the rest of such Land for such Backside or Backsides, Outlet or Outlets, within any such County, Riding, Liberty, or Division, according to the true Intent and Effect of such Presentment; and the said Justices being so assembled at the General or Quarter Sessions, or the major Part of them, may and shall conclude and agree upon raising such Sum or Sums of Money, as upon Examination of able and sufficient Workmen or any other Persons shall appear to be necessary for building, erecting, or enlarging such House or Houses of Correction, or for purchasing a House, Houses, or Land (if thought necessary) for that Purpose; and if it shall be thought necessary for that Purpose to buy or purchase any House, Houses, or Land, the House, Houses, or Land so purchased shall be conveyed to such Person or Persons as the said Justices so assembled at their General or Quarter Sessions, or the major Part of them, shall think fit, in Trust, and for the Uses and Purposes aforesaid. Justices may raise Money, and cause Houses of Correction to be built.

XXXIII. And be it further enacted by the Authority aforesaid, That the Justices of the Peace for any County, Riding, City, Borough, Town Corporate, Division, or Liberty, at their General or Quarter Sessions, or the major Part of them, shall and are hereby required, from time to time to take effectual Care, that the Houses of Correction already provided, or hereafter to be provided, within the Limits of their respective Jurisdictions, except such Houses of Correction as have been or shall be erected or maintained by any particular Founder or Founders, shall be duly fitted up, furnished, and supplied with sufficient Implements, Materials, and Furniture, for keeping, relieving, setting to work, employing, and correcting all idle and disorderly Persons, Rogues, Vagabonds, incorrigible Rogues, and others, who shall be sent to, confined, or continued in the same; and Two of the Justices of the Peace, within the respective Hundreds, Divisions, or Jurisdictions, where there shall be any House or Houses of Correction, or any Two Justices who shall be appointed at the General or Quarter Sessions for that Purpose, shall and are hereby required to visit the same twice, or oftner if need be, in every Year, and to examine into the Estate and Management thereof, and to report the same to the next General or Quarter Sessions, to the Intent that if any Thing be amiss therein, the same may by Order of such General or Quarter Sessions be reformed and amended: And the said Justices at their respective General or Quarter Sessions shall have the like Power and Authority over the Houses of Correction to be erected or purchased by virtue of this Act, as they have by virtue of any Law now in Force over those already erected and provided. And further, That if the said Governors, or Masters of the said Houses of Correction, shall not set or keep the said idle and disorderly Persons, Rogues, Vagabonds, or incorrigible Rogues to hard Labour, and punish and correct them according to the Directions of the Warrants or Orders by which they shall be committed to or detained in their Custody, or shall otherwise misbehave themselves, or be defective, remiss, or negligent in their Duty; the said Justices, at their said General or Quarter Sessions are hereby required to set and impose such Fines and Penalties upon them as they shall think fit and convenient, in the same Manner as Fines and Penalties may be set and imposed on Governors or Masters of Houses of Correction for the Neglects therein mentioned by an Act of Parliament, passed in the Seventh Year of the Reign of King James the First, intituled, An Act for the due Execution of divers Laws and Statutes, heretofore made against Rogues, Vagabonds, and Sturdy Beggars, and other lewd and idle Persons, which Fines and Penalties shall be paid to the Treasurer of the County, Riding, Liberty, or Division, and shall be accounted for by him as Part of the Publick or County Stock; and the said Justices, at their respective General or Quarter Sessions may from time to time appoint or remove the Governor or Governors, Master or Masters, or other Officers of such Houses of Correction, and make such Orders and Regulations as they shall think fit, for the better governing and regulating of the said Houses of Correction, and for employing, relieving, and punishing the Persons therein, or for sending them to or from thence, according to the true Intent and Meaning of this Act; and in case the Person or Persons removed by Order of any General or Quarter Sessions shall refuse or neglect to quit the Possession of such House of Correction, from whence he or they are ordered to be removed, for the Space of Ten Days next after Notice given him or them in Writing by the Clerk of the Peace, it shall and may be lawful to and for any Two or more Justices of the Peace of the same County, Riding, Division, or Place (upon pronucing to them such Order of Sessions, or an attested Copy thereof, and upon Oath before them made by one or more credible Witness or Witnesses of such Notice having been given

Houses of Correction to be provided with all Necessaries.

39 Eliz. c. 5.

Justices to have the same Power over new built Houses, as over those built under former Laws.

7 Jac. 1. Cap. 4.

2 M. S. Gas. of Settlem. 158 19. &c.

Justices to regulate Houses of Correction.

to the Perſon or Perſons ſo removed, and of his or their having refuſed or neglected to quit Poſſeſſion) by Warrant under their Hands and Seals to direct the Sheriff of the ſame County, Riding, Diviſion, or Place, to remove him or them out of ſuch Houſe of Correction, and he is hereby authorized and required to clear the Poſſeſſion thereof, in like Manner as upon a Writ of Habere facias Poſſeſſionem.

XXXIV. And whereas Doubts have ariſen, and may ariſe, where Authority is given to any Juſtice or Juſtices of the Peace to commit Offenders to the Houſe of Correction for Offences cognizable before them, out of the General or Quarter-ſeſſions of the Peace, how long Offenders may be there detained, and in what Manner treated, where the Time and Manner of their Puniſhment is not by Law expreſly directed, limited, or appointed; be it therefore enacted by the Authority aforeſaid, That where any Offenders ſhall be committed as aforeſaid by Virtue of any Law now in Being, or hereafter to be made, and the Time and Manner of their Puniſhment is not expreſly limited, directed, and appointed, the ſaid Juſtice or Juſtices ſhall commit ſuch Offender to the Houſe of Correction, there to be kept to hard Labour until the next General or Quarter-ſeſſions, or until diſcharged by due Courſe of Law; and it ſhall and may be lawful for Two Juſtices (of which the Juſtice who committed ſuch Offender to be One) to diſcharge the ſaid Offender before the ſaid Seſſions, if they ſee Cauſe; and if he ſhall not be ſo diſcharged, the ſaid Seſſions may either diſcharge them, or continue them in Cuſtody for ſuch Time as they ſhall ſee fit, not exceeding Three Months.

Directions concerning Vagrants in Houſes of Correction.

XXXV. And to defray the Expences of apprehending, paſſing, conveying, and maintaining Rogues, Vagabonds, and incorrigible Rogues, and likewiſe the Expences of erecting, purchaſing, enlarging, altering, and repairing Houſes of Correction, and of purchaſing Land to erect them upon, and for Backſides and Outlets, and of fitting up and furniſhing ſuch Houſes of Correction, and of ſending Perſons to and from the ſame, and employing them there, according to the Directions of this Act, and for defraying all other Expences neceſſary for the Execution of this Act not herein before provided for; be it further enacted by the Authority aforeſaid, That the Juſtices of the Peace at the General or Quarter-ſeſſions, or the major Part of them, may and ſhall cauſe ſuch Sum or Sums of Money as ſhall be neceſſary for all or any of the Purpoſes aforeſaid to be paid by the reſpective Treaſurers out of any Money raiſed or to be raiſed by virtue of an Act made in the laſt Seſſion of Parliament, intituled, An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates.

The Money raiſed for maintaining Vagrants, and building Houſes, &c. ſhall be paid to the Treaſurer.

XXXVI. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall be ſued for any Matter or Thing which he or they ſhall do in Execution of this Act, he or they may plead the General Iſſue, and give the ſpecial Matter in Evidence; and if the Verdict ſhall paſs for the Defendant, or the Plaintiff ſhall be nonſuited, or diſcontinue his Suit, the Defendant ſhall recover double Coſts; And that this Act ſhall be deemed to commence from the firſt Day of June, in the Year of our Lord One thouſand ſeven hundred and forty; and from that Time, an Act made in the Twelfth Year of the late Queen Anne, intituled, An Act for reducing the Laws relating to Rogues, Vagabonds, Sturdy Beggars, and Vagrants into one Act of Parliament, and for the more effectual puniſhing ſuch Rogues, Vagabonds, Sturdy Beggars, and Vagrants, and ſending them whither they ought to be ſent, ſhall be, and is hereby repealed; but all the Acts therein mentioned to be repealed, are hereby declared to be and continue repealed.

General Iſſue.

This Act to commence from 1 *June*, 1740.

Other Acts repealed.

CAP. XXV.

An Act for the more effectual Maintenance and Well-keeping of *Staines* Bridge and *Egham* Cauſeway, being the Highway from *London* to the Weſt Parts of *England*.

Preamble reciting 1 *Hen.* 8. *cap.* 5.

WHEREAS by an Act of Parliament made in the Firſt Year of the Reign of King *Henry* the Eighth, intituled, *An Act concerning the Bridge of* Staines, the Chancellor of *England* for the time being, or the Keeper of the King's Great Seal, and their Succeſſors, were authorized and impowered to depute and aſſign two, three, or four Perſons of the Town and Pariſh of *Staines*, to take and receive Toll and Cuſtom, as before that Time had been uſed to be paid, as well for Carts and Horſes laden with Merchandize and other Stuff carried over and upon the ſame Bridge, as of Barges coming underneath the ſame Bridge, and to employ the ſaid Tolls for repairing and making the ſaid Bridge, and alſo the Cauſeway extending from the ſaid Town of *Staines* to the Town of *Egham* in the County of *Surrey*, and to render a yearly Account thereof to the ſaid Chancellor or Keeper for the time being, or before ſuch Perſons as either of them ſhould depute and aſſign: And whereas by another Act made in the Thirty ninth Year of the Reign of Queen *Elizabeth*, intituled, *An Act for the better Maintenance and Well-keeping of* Staines *Bridge and* Egham *Cauſeway, being the Highway from* London *unto the Weſt Parts of* England, it was enacted, That the Chancellor of *England* for the time being, or Lord Keeper of the Great Seal, and their Succeſſors, ſhould have the Deputation and Aſſignment of Four Men, whereof two to be of the Town and Pariſh of *Staines* aforeſaid, and the other Two to be of the Town and Pariſh of *Egham* aforeſaid; and the ſaid Four to take and receive by themſelves, or their ſufficient Deputy or Deputies, the Toll and Cuſtom as before that Time ought or had been uſed to be paid, and to employ the ſame upon the Reparation and making of the ſaid Bridge and Cauſeway, and thereof yearly to yield Account to the ſaid Chancellor or Keeper of the Great Seal for the time being, or before ſuch Perſons as he ſhould depute and aſſign, between the Feaſts of Saint *Michael the Archangel* and *All Saints*; and if by Default of the Four Perſons aforeſaid, or any of them, in not gathering or not well-employing the ſaid Toll, the ſaid Bridge and Cauſeway, or either of them, ſhould not be ſufficiently kept and maintained, the Chancellor or Lord Keeper of the Great Seal had Power to inflict a Penalty upon them, or any of them, in whom ſuch Default ſhould be found as aforeſaid, not exceeding Ten Pounds, the ſame to be levied by Diſtreſs by ſuch Perſon or Perſons as ſhould be nominated by the ſaid Chancellor or Keeper of the Great Seal, and to be employed for maintaining the ſaid Bridge and Cauſeway: And whereas the Tolls and Duties ariſing by virtue of the ſaid Acts, after Deduction of Taxes and Aſſeſſments, do not amount to above Forty five Pounds *per Annum* one Year with another at an Average, which Sum is greatly inſufficient to keep up, ſupport, and maintain the ſaid Bridge and Cauſeway; by reaſon whereof the ſaid Bridge, or great Part thereof, hath been for ſome time paſt and now is in a ruinous and dangerous Condition, and the ſaid Cauſeway is fallen to ſuch Decay, that unleſs

39 *Eliz.* *not printed.*

leſs ſpeedily repaired, it will be in great Danger of being broken through by high Floods in the River *Thames*, whereby not only a great Tract of many thouſand Acres of Land will be liable to be overflowed, and ſeveral Towns and Villages greatly damnified, but alſo the Courſe and Navigation of the River *Thames* may be obſtructed and diverted, and the Road from *Stanes* to *Egham* aforeſaid, being Part of the great Weſtern Road, rendered impaſſable: And whereas the Bridge-maſters, or Perſons deputed by the Chancellor or Lord Keeper of the Great Seal as aforeſaid, in order to provide Money for the Repair of the ſaid Bridge and Cauſeway, have frequently kept up a Ferry there at an exorbitant Rate, to convey Paſſengers over the River *Thames*, to the great Inconvenience and Oppreſſion of all Perſons travelling that Way, *&c.*

CAP. XXVI.

An Act to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of his late Majeſty King *Charles* the Second, intituled, *An Act for making the River of* Medway *navigable, in the Counties of* Kent *and* Suſſex.

Preamble reciting the Act 16 & 17 *Car.* II. *not printed.*

WHEREAS an Act of Parliament was made in the Sixteenth and Seventeenth Years of the Reign of his late Majeſty King *Charles* the Second, intituled, *An Act for making the River of* Medway *navigable, in the Counties of* Kent *and* Suſſex; whereby, after reciting, that making the River *Medway*, and all other Rivers, Streams, and Water-courſes falling thereinto, in the Counties of *Kent* and *Suſſex*, navigable, had been upon View found to be feaſable, and would be of great Uſe for the better and more eaſy and ſpeedy Portage of Iron Ordnance, Balls, Timber, and other Materials, in Places adjacent, made, forged, and provided for His Majeſty's Service, at all Times, and more eſpecially at ſuch Times and Seaſons in the Year as the ſame could not otherwiſe be brought out of thoſe Parts; and would be advantageous to the Inhabitants, and all others concerned, as well for Carriage of the Commodities aforeſaid, as of Wood, Corn, and Grain, Hay, Hops, Wooll, Leather, and all other Proviſions, growing and accruing from thence; as alſo of Coals, Lime, Stone Wares, and all other Neceſſaries and Commodities to be carried thither, whereby Commerce and Trade would be much increaſed, and the publick Weal advanced: It was therefore enacted, That it ſhould and might be lawful for certain Perſons therein named, to make the ſaid River, and Streams running thereinto, navigable, in ſuch Manner as by the ſaid Act is limited and directed; and Commiſſioners were alſo therein appointed, with Power to adjudge and determine proper Satisfaction to all Perſon and Perſons, Bodies Politick and Corporate, for any Loſs or Damage to be by them ſuſtained, by cutting, digging, or otherwiſe damnifying their Lands and Tenements, in making the ſaid River and Streams navigable, with a Power to appoint new Commiſſioners in the Stead of thoſe dying or refuſing to act: And whereas the Powers by the ſaid Act created, were never yet carried into Execution; and the ſeveral Perſons authorized thereby to make the ſaid River and Streams navigable, and the ſeveral Commiſſioners therein named and appointed, are all ſince dead, without any proper Succeſſors appointed in their Stead in Manner as by the ſaid Act is directed: And whereas the making the ſaid River and Streams navigable at this Time is likely to be of great Utility to the Publick, by reaſon that great Quantities of Timber growing on the Wolds of *Kent* and *Suſſex*, through which the ſaid River and Streams run, and which is allowed to be the beſt in this Kingdom for the Uſe of His Majeſty's Navy, cannot be conveyed to any Market, but at a very large Expence, by reaſon of the badneſs of the Roads in thoſe Parts: And whereas divers Perſons herein after named, and many others, are deſirous to become Undertakers for making the ſaid River of *Medway* and Streams navigable, and have agreed to raiſe amongſt themſelves a Sum of Money ſufficient for that Purpoſe; **may it pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid herein before in part recited Act, and all the Matters and Things therein contained, ſhall be and are herein and hereby enacted, declared, and appointed to be and continue in full Force, Power, and Virtue, and the Proprietors and Commiſſioners herein after mentioned, conſtituted, and appointed, ſhall have full Power and Authority to do and perform, and ſhall and may reſpectively do and perform all Act and Acts, Deed and Deeds, in ſuch Manner, and by the ſame Power and Authority, as the Proprietors and Commiſſioners by the ſaid before mentioned Act nominated, conſtituted, and appointed, were reſpectively intitled to do and perform; ſave in ſuch Particulars as by this preſent Act is or are herein after altered, explained, or amended.**

II. And whereas the ſeveral Perſons herein after particularly named are deſirous at their own proper Coſts and Charges to begin, carry on, and compleat the Navigation of ſuch Part of the ancient River *Medway*, and Streams falling thereinto, as run down from *Foreſt Row* in the County of *Suſſex*, to the Town of *Maidſtone* in the County of *Kent*: **To the End therefore that ſo good an Undertaking may be carried on to Advantage, and put in full Force and Execution; be it further enacted by the Authority aforeſaid, That from and after the Thirtieth Day of** April, **One thouſand ſeven hundred and forty,** Lionel **Duke of** Dorſet, **the Right Honourable the Earl of** Weſtmorland, **Sir** Thomas Dyke, **Sir** Thomas Webſter, **Baronets; Colonel** John Selwin, David Polhill, William Bowen, John Douglas, Samuel Remnant, William Harriſon, James Creed, Joſias Wordſworth, Sidney Stafford Smythe, John Kenward, John Hooker, Thomas Budgen, Henry Woodgate, Thomas Abraham, George Summerton, William Woodgate, Samuel Mills, George Hooper, George Putland, Robert Streatfield, **the Reverend** Stephen Cowper, **the Reverend** Edmund Latter, John Wood, Thomas Auſten, Dan Groomebridge, Thomas Harris, William Johnſon, John Colgate, James Norris, Thomas Whiffin, John Lines, Peter Wattis, Thomas Pearſe, Frazer Honeywood, Richard Maſter **of** Hereworth, James Ruck, James Colbrook, Iſaac Pacatus Shard, John Smith, Leonard Gale, William Ball Waring, Sackville Bale, John Mackreth, **their ſeveral and reſpective Succeſſors, Heirs, and Aſſigns, are and ſhall be united into a Company, for the better carrying on, making, compleating, and maintaining the ſaid Navigation, in Manner as the Proprietors in and by the ſaid in part above recited Act were authorized and impowered to do, and more particularly for making, carrying on, and compleating ſuch Navigation from** Foreſt Row **to** Maidſtone **aforeſaid, according to the Rules, Orders, Methods, and Directions herein after expreſſed and laid down, and ſhall for that Purpoſe be one Body Politick and Corporate, by the Name of** The Company of Proprietors of the Navigation of the River *Medway*, **and by that Name ſhall have perpetual**

Proprietors Names,

and their Power.

perpetual Succeſſion, and ſhall have a common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands to them, their Succeſſors, and Aſſigns, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain: And the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, ſhall be and are hereby authorized and impowered, from and after the ſaid Thirtieth Day of April, One thouſand ſeven hundred and forty, by themſelves, their Deputies, Agents, Officers, Workmen, Servants, and Aſſigns, to cleanſe, ſcower, dig, widen, and deepen the ſaid River and Streams, and to cut, dig, and make new Channels, Trenches, and Water-courſes, and to remove all Trees, Roots, and other Impediments, and to ſet up and erect Locks, Wears, Turnpikes, Dams, Pens for Water, Bays, Sluices, and by thoſe or any other Ways and Means to make the ſame navigable, paſſable, and portable for Boats, Barges, Lighters, and other Veſſels; and alſo to make Wharfs, and ſet up and erect Storehouſes, Cranes, and all other neceſſary Erections both on the ſaid River and Streams, and Lands adjoining, in ſuch Manner as the Proprietors in and by the ſaid former Act were impowered to do: And the ſaid River and Streams ſo to be made navigable, and all Lands, Tenements, and Hereditaments to be by them made uſe of for the Benefit of the ſaid Navigation, by virtue of the former and this preſent Act, ſhall be and are hereby veſted in the ſaid Company of Proprietors, their Succeſſors, Heirs, and Aſſigns, for ever, for the Conſiderations, and ſubject to the Terms and Conditions following; that is to ſay, The ſaid Company of Proprietors ſhall make full and ample Payment and Satisfaction to the King's moſt Excellent Majeſty, His Heirs, and Succeſſors, and all and every other Perſon or Perſons, Bodies Politick and Corporate, being Owners and Proprietors, or Occupiers of any Lands, Tenements, Hereditaments, Mills, Wears, or any other Matters and Things whatſoever which ſhall be made uſe of, dug up, cut through, pulled down, demoliſhed, removed, or otherwiſe prejudiced or damaged for any of the Purpoſes aforeſaid; and alſo Satisfaction for all Damages that ſhall be done to the Ground near the ſaid Place or Places where the ſaid Works, or any of them, are, is, or ſhall be made, erected, or done, by Reaſon of carrying, laying, or working any Materials, Sand, Gravel, Roots, Rubbiſh, or any other Matters and Things thereon.

III. And for the better effecting the Premiſſes, and due rating the Value of the Lands, Tenements, Hereditaments, and other Matters for which Satisfaction ſhall or ought to be given (in caſe the ſaid Company of Proprietors cannot agree before-hand with the reſpective Owners, Proprietors, or Occupiers of ſuch Lands, Tenements, and Hereditaments, and other Matters and Things aforeſaid) concerning the ſame; be it enacted by the Authority aforeſaid, That in the Stead and Lieu of the Powers and Authorities to certain Commiſſioners in and by the ſaid former Act given and granted, for determining and appointing proper Satisfaction for any Loſs or Damage to be ſuſtained by any Perſon or Perſons on account or by reaſon of making the ſaid River and Streams navigable,

Commiſſioners for *Kent*,

Jeffery Amhurſt, Charles Selby Amhurſt, William Auſten of Hernden, the Right Honourable Vere Beauclerk Eſquire, commonly called Lord Vere Beauclerk, Sir Philip Boteler Baronet, Edmund Beaghan, Edward Bathurſt, Henry Boſville, Thomas Borret, Maudeſty Beſt, John Broome, Colonel John Campbell, John Spencer Colepeper, William Champneys, Alexander Courthop, John Cage, Thomas Chiffinch, John Children, Narborô D'Aeth, the Right Honourable Heneage Finch Eſquire, commonly called Lord Guernſey, Sir Edward Filmer, Sir Charles Farnaby, the Honourable Robert Fairfax, Phillips Gybbon, William Glanville, John Gould, John Hamilton, John Hyde, William Hendley, Nicholas Haddock, Arthur Harris, Edward Haſted, Doctor Jones, William James, John Kirrell, Thomas Lambard junior, Thomas Monpeſſon, Thomas Matthews, Robert Man, John Norris, Sir Chriſtopher Powell Baronet, David Papillon, Ralph Petley, Richard Plumer, John Prat, Henry Polhill, Thomas Panuwell, Sir Walter Roberts, Thomas Rider, the Right Honourable Charles Sackville Eſquire, commonly called Earl of Middleſex, the Right Honourable John Philip Sackville Eſquire, commonly called Lord John Sackville, Admiral Charles Stewart, the Honourable George Stanhope, Charles Stanhope, William Selby, Henry Streatfeild junior, of Chiddingſtone, Thomas Streatfeild of Seven Oaks, Robert Streafeild of Cowden, Sir William Twyſden, Sir Roger Twyſden, Baronets; William Horſmonden Turner, Abraham Tilman, John Toke, the Honourable Thomas Watſon, Francis Whitworth, John Ward, Robert Weller, William Walter of Chatham, Richard Savage, Stephen Woodgate, the Right Honourable the Lord Viſcount Vane, in the Kingdom of Ireland; or any Seven or more of them aſſembled together in ſuch Manner as is herein after mentioned and directed, ſhall be, and are hereby conſtituted and appointed Commiſſioners for ſettling, determining, and adjuſting, in Manner herein after appointed, all Matters about which any Difference ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or any of them, and the Proprietors, Owners, and Occupiers, of any ſuch Lands, Tenements, Hereditaments, Mills, Wears, or Premiſſes, lying and being within the ſaid County of Kent.

and their Office.

Commiſſioners for *Suſſex*,

And Michael Baker, George Baker, Burrell, Conſtable, George Courthop, Still Dyke, Benjamin Dry, Sir Charles Eversfield Baronet, George Eagles, Humphry Fowle, John Fuller, Thomas Fuller, John Meers Fagg, Henry Gale, the Reverend Thomas James, John Legas, the Honourable Chriſtopher Manſel, Samuel Medley, William Market, John Newman, Henry Offley, the Honourable Henry Pelham, Sir John Peachy Baronet, Thomas Pigott, Thomas Pelham junior, Waller Roberts, Thomas Tufton, Thomas Sergiſon, Whiſtler Webſter, or any Seven or more of them aſſembled together in ſuch Manner as herein after is mentioned and directed, ſhall be, and are hereby conſtituted and appointed Commiſſioners for ſettling and adjuſting in like Manner all Matters about which any Difference ſhall or may ariſe between the ſaid Company of Proprietors, their Succeſſors, Heirs, and Aſſigns, or any of them, and the Proprietors, Owners, and Occupiers of any ſuch Lands, Tenements, and Hereditaments, Mills, Wears, and Premiſſes, lying and being within the ſaid County of Suſſex. And they the ſaid Commiſſioners, or any Seven or more of them, reſpectively aſſembled together, for each or either of the ſaid Counties, are hereby authorized, and ſhall have full Power and Authority in each of the ſaid Counties reſpectively, to mediate and determine all Differences between the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, and the reſpective Proprietors, Owners, and Occupiers of ſuch Lands, Tenements, Hereditaments, Mills,

and their Office.

Wears, and Premiſſes, which ſhall be propoſed or intended to be made uſe of, dug up, cut through, pulled down, demoliſhed, removed, or otherwiſe prejudiced or damaged, by carrying on and effecting the ſaid Undertaking, or which ſhall or may in any wiſe be prejudiced thereby, or by Reaſon thereof, and by Writing under their Hands and Seals to adjuſt, ſettle, and determine, with the Conſent of the Parties concerned, what Satisfaction ſuch Perſon or Perſons, Bodies Politick or Corporate reſpectively, ſhall have for ſuch Proportion of his, her, or their Lands, Tenements, Hereditaments, Mills, Wears, or Premiſſes, which ſhall be made uſe of, cut through, pulled down, demoliſhed, removed, or otherwiſe prejudiced or damaged as aforeſaid, and for the Damage which ſhall be thereby ſuſtained, and to adjuſt and ſettle what Share and Proportion of ſuch Purchaſe-money, or Satisfaction, every Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in any of the Premiſſes, ſhall have for his, her, or their reſpective Intereſts therein. And if it ſhall happen that the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, for and on the Part and Behalf of themſelves, or that any other Perſon or Perſons, Bodies Politick or Corporate, for and on his, her, and their own Parts, ſhall diſlike or be diſſatisfied with ſuch Determination of the Commiſſioners, or any Seven or more of them, or ſhall decline ſuch Determination, or that any Perſon or Perſons, Bodies Politick or Corporate, upon convenient Notice given in Writing to the Head Officer or Officers of any ſuch Body, or any other Perſon or Perſons upon convenient Notice given to him, her, or them, or to his, her, or their Tenant or Tenants in Poſſeſſion of the Lands, Tenements, Hereditaments, Mills, Wears, or Premiſſes, ſo intended to be uſed, cut, damaged, or altered in Manner as aforeſaid, ſhall, by the Space of one Month next after ſuch Notice as aforeſaid neglect or refuſe to treat, deal, and agree with the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement as ſhall be convenient for promoting the ſaid Navigation and other Works as aforeſaid, or by Reaſon of Abſence ſhall be prevented from treating touching the Matters aforeſaid, that then and in ſuch Caſe the ſaid Commiſſioners, or any Seven or more of the Commiſſioners for each County reſpectively, ſhall and are hereby authorized and impowered, from time to time to iſſue out their Warrant or Warrants under their Hands and Seals, to be directed to the Sheriff or Sheriffs of the ſaid Counties of Kent and Suſſex for the time being reſpectively, according to the County in which the Matter or Matters ſhall ariſe, or in caſe ſuch Sheriff or Sheriffs, his or their Under-ſheriff or Under-ſheriffs reſpectively, or either of them, ſhall happen to be one of the Company of Proprietors of the ſaid Navigation, or enjoy any Office of Truſt or Profit under them, or ſhall be a Commiſſioner for either of the ſaid Counties where ſuch Matter or Matters ſhall reſpectively ariſe, or ſhall be intereſted in the Matter in Queſtion, or any wiſe related to any of the Parties intereſted or concerned therein, then to the Coroner or Coroners within the ſaid Counties of Kent and Suſſex reſpectively, commanding them to impanel, ſummon, and return a Jury: And the ſaid Sheriff and Sheriffs, Coroner and Coroners reſpectively, are hereby required accordingly to impanel, ſummon, and return a Jury of Twenty four able and ſufficient Freeholders, qualified according to the Laws and Statutes of this Realm to be returned for Trials at the Aſſizes for the ſaid Counties reſpectively of Iſſues joined in his Majeſty's Courts of Weſtminſter, to appear before the ſaid Commiſſioners, or any Seven or more of them, at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be appointed and directed, not being leſs than Ten Days after the Time ſuch Warrants ſhall be ſerved upon them reſpectively, or more than Twenty Days after ſuch Service; and alſo to return in Iſſues on every Perſon ſo impanelled, ſummoned, and returned, the Sum of Forty Shillings; which, in caſe of Default of Appearance of any Perſon or Perſons ſo impanelled, ſummoned, and returned, ſhall be eſtreated and levied on him or them making ſuch Default, by the Sheriff of the County where the reſpective Perſons live, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Seven or more of them, to the Uſe of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns; and the Sheriff and Sheriffs, Coroner or Coroners, ſhall reſpectively forfeit for Default of making ſuch Return the Sum of Ten Pounds, and for every Perſon returned on any ſuch Panel not being qualified as aforeſaid, the Sum of Forty Shillings; which reſpective Forfeitures ſhall go and be for the Uſe of the ſaid Company of Proprietors, their Succeſſors, and Aſſigns; of which Perſons ſo returned Twelve ſhall be ſworn before the ſaid Commiſſioners, to hear and try the Facts before them; and in caſe ſuch ſufficient Number of Jurymen do not appear, any Sheriff or Sheriffs, his or their Deputy or Deputies, Coroner or Coroners, in caſe of Diſability of any Sheriff or Sheriffs as aforeſaid, ſhall return other honeſt and indifferent Men of the Standers-by ſo qualified as aforeſaid, or that can be ſpeedily procured of the ſaid Counties of Kent and Suſſex reſpectively to attend that Service, to make up that Jury to the Number of Twelve; and all Perſons concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen: And the ſaid Commiſſioners for each County reſpectively, or any Seven or more of them, are hereby impowered by Warrant under their Hands and Seals, from time to time as Occaſion ſhall require, to ſummon and call before them all and every ſuch Perſon and Perſons whatſoever (except a Peer or Peereſs of Great Britain) as ſhall be thought proper, neceſſary, or convenient, to be examined as a Witneſs or Witneſſes before ſuch Commiſſioners, or any Seven or more of them, touching or concerning the Premiſſes, and alſo to order and authorize the ſaid Jury to view the Place or Places, or Matters in Queſtion, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall think fit; which Jury upon their Oaths, after hearing ſuch Evidence as ſhall be given touching the Matter in Queſtion (which Oaths, as alſo the Oaths, or Affirmations of the People called Quakers, to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, or to be examined before the ſaid Commiſſioners, or any Seven or more of them, the ſaid Commiſſioners, or any Seven or more of them, are hereby impowered to adminiſter) ſhall enquire of and aſſeſs ſuch Damages and Recompence as they ſhall think juſt, to and for the reſpective Proprietors, Owners, Tenants, or Occupiers of any ſuch Lands, Tenements, Hereditaments, Mills,

If Proprietors or others do not like Commiſſioners Decree,

Commiſſioners to iſſue Warrants to Sheriffs or Coroners of *Kent* or *Suſſex* to impanel and return a Jury,

to appear before the Commiſſioners at the Time and Place appointed.

Juryman not obeying Summons, to forfeit 40 *s.*

Sheriffs or Coroners for every Default, forfeit 10 *l.*

Forfeitures to go to the Proprietors.

Commiſſioners may ſummon Witneſſes to appear before them.

Jury to aſſeſs Damages;

Mills, Wears, and Premiſſes, or any Part thereof, which ſhall be uſed, cut, dug, prejudiced, damaged, altered, removed, or demoliſhed, by Reaſon of making any Lock or Locks, Cut or Cuts, Ways, Wharfs, Warehouſes, or other Works, in and about the ſaid Navigation, or the doing any other Act or Thing for making the River Medway and Streams aforeſaid navigable, or for carrying on and compleating the Navigation thereof, and for making Towing-paths, Ways, or Bridges, or in reſpect of ſuch Loſs or Damage as any ſuch Proprietors, Owners, Tenants, Occupiers, or other Perſons, ſhall or may thereby ſuſtain; and the ſaid Commiſſioners, or any Seven or more of them, for each County reſpectively, aſſembled together, ſhall give Judgement for ſuch Sum and Sums of Money ſo to be aſſeſſed by ſuch Jury or Juries reſpectively, and ſhall in ſuch Manner as aforeſaid and by all other lawful Ways and Means examine, hear, and finally determine all Manner of Differences, Controverſies, and Diſputes which ſhall ariſe between any Perſons whatſoever touching or concerning any Matter or Thing relating to the aforeſaid Premiſſes or any Part thereof; which ſaid Verdict or Verdicts, and the Judgement, Decree, or Determination thereupon declared and pronounced by the ſaid Commiſſioners, or any Seven or more of them aſſembled together, and the Value and Recompence ſo to be aſſeſſed and declared, ſhall be binding and concluſive to all Intents and Purpoſes againſt the King's Majeſty, His Heirs, and Succeſſors, and againſt all and every Perſon and Perſons, Bodies Politick and Corporate whatſoever, their Heirs, Succeſſors, Adminiſtrators, and Aſſigns, having or claiming any Title or Intereſt in or to the ſaid Lands, Tenements, Hereditaments, or Premiſſes, or any Part thereof, or any Intereſt or Title in, to, or out of the ſame, in Poſſeſſion, Reverſion, Remainder, Expectancy, or otherwiſe, as well Infants, Femes-covert, Tenants for Life or Years, or in Tail, their reſpective Heirs, Succeſſors, Executors, and Adminiſtrators, and all claiming by, from, under, or in Truſt for him, her, or any of them: Provided, That Notice in Writing be firſt given of ſuch Meeting at leaſt Twenty Days before, declaring the Times and Places of ſuch Meeting to every Perſon concerned, or be left at the Dwelling-houſe of ſuch Party or Parties, or at his, her, or their uſual Place of Abode, with ſome Perſon belonging to his, her, or their Family, or with ſome Tenant or Occupier of ſuch Lands or Tenements of ſuch Parties near the ſaid River, touching which ſuch Controverſies ſhall ariſe, in caſe ſuch Party or Parties cannot be found out to be ſerved with ſuch Notice, or ſhall live above Ten Miles from any Part of the ſaid River or Streams to be made navigable by virtue of this Act.

and Commiſſioners give Judgement.

Verdicts, &c. to be recorded by the Clerk of the Peace for *Kent* or *Suſſex*.

IV. And be it further enacted by the Authority aforeſaid, That ſuch Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings of the ſaid Commiſſioners, or any Seven or more of them, and the Juries ſo made, ſhall be fairly written on Parchment or Paper, without any Stamps thereupon, under the Hands and Seals of ſuch of the ſaid Commiſſioners reſpectively, or any Seven or more of them as ſhall make the ſame, and ſhall be tranſmitted to, and kept by the Clerk of the Peace among the Records of the General Quarter Seſſions for the ſaid Counties of Kent and Suſſex reſpectively; and that ſuch Verdicts, Judgements, Orders, Sentences, Decrees, and other Proceedings, ſhall be deemed Records of the ſaid Courts to all Intents and Purpoſes whatſoever, and be taken, adjudged, and deemed good and effectual Evidence and Proof in any Court of Law or Equity whatſoever; and all Perſons may have Recourſe to the ſame gratis, and take Copies thereof, paying for every Copy not exceeding Two hundred Words, the Sum of One Shilling, and ſo proportionably for every greater or leſs Number of Words; and that upon Payment of ſuch Sum or Sums aſſeſſed and decreed by ſuch Commiſſioners, or any Seven or more of them, and the Jury, or ſo agreed on as aforeſaid, to the Party or Parties concerned, or legal Tender thereof made to him, her, or them reſpectively; and in caſe ſuch Party or Parties cannot be met with, or ſhall refuſe to accept of the ſame, then upon Payment thereof into the Hands of ſuch Perſon or Perſons, as the ſaid Commiſſioners, or any Seven or more of them, ſhall under their Hands in Writing appoint, for the Uſe of the ſaid Parties intereſted as aforeſaid, to be by ſuch Perſon or Perſons paid upon Demand to the Parties ſo intereſted without Fee or Reward; it ſhall then, and not before or otherwiſe, be lawful to and for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, and to and for their Deputies, Agents, Workmen, and Servants, to remove, pull down, cut, dig, or uſe ſo much of the ſaid Lands, Tenements, Hereditaments, Mills, Wears, or Premiſſes, for which ſuch Satisfaction ſhall be ſo agreed, ſettled, aſſeſſed, and adjudged, or decreed as aforeſaid, and therein or thereupon to make, erect, and build, ſuch Works as the ſaid Company of Proprietors, their Succeſſors, or Aſſigns, ſhall think convenient, and to do any Matter or Thing for carrying on, making, compleating, finiſhing, and maintaining the ſaid Navigation and Works, in ſuch Manner as ſhall be neceſſary and requiſite; and to have, uſe, and enjoy the ſame to and for their own proper Uſe and Benefit; and this Act ſhall be ſufficient to indemnify as well the ſaid Commiſſioners, as the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, and all and every Perſon and Perſons, by them, or any of them, authorized or impowered therein, or acting by or under them, or by their Authority, againſt the ſaid Proprietors, Owners, Tenants, or Occupiers, their Heirs, Succeſſors, Executors, Adminiſtrators, or Aſſigns, and againſt all and every other Perſon or Perſons, to all Intents and Purpoſes whatſoever.

Copies may be taken at 1 *s.* for 200 Words.

Commiſſioners to fine Jurymen for Neglect of Duty.

V. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them acting in the Premiſſes, ſhall have full Power from time to time to impoſe any reaſonable Fine or Fines on any ſuch Perſons as ſhall be ſummoned and returned on the Juries aforeſaid, and ſhall refuſe to be ſworn on ſuch Jury, or who being ſworn on ſuch Jury ſhall refuſe to give Verdict concerning the ſame, or who ſhall in any other Manner wilfully neglect their Duty therein contrary to the true Intent and Meaning of this Act; and likewiſe upon ſuch Perſon and Perſons (not being a Peer or Peers of Great Britain) ſummoned as aforeſaid to give Evidence, who ſhall neglect or refuſe to appear at ſuch Time or Times, Place or Places, as ſhall be mentioned, appointed, and limited for the Purpoſes aforeſaid; or who appearing ſhall refuſe to be ſworn, give Evidence, or be examined by or before the ſaid Commiſſioners, or any Seven or more of them,

and

and from time to time to estreat and levy on the Goods of any Person or Persons offending in any Matters or Things as aforesaid, by Warrant under the Hands and Seals of such acting Commissioners, or any Seven or more of them, to be directed to the Constable, Headborough, or other Officer of the Township, Parish, or Place where such Offender or Offenders shall live, reside, or inhabit; which Constable, or other Officer is hereby authorized and required to execute the same, so as no such Fine exceed the Sum of Forty Shillings; all which Fines and Forfeitures shall be, and the same are hereby directed to be paid to the said Company of Proprietors, or to whom they shall appoint, to be employed towards carrying on and compleating the said Navigation, and to no other Use or Purpose whatsoever.

Fine not to exceed 40 s.

to be paid the Proprietors to carry on the Navigation.

VI. Provided always, That no Person or Persons whatsoever shall be sworn to serve on any Jury, or be examined as a Witness, where he or they are any ways directly or indirectly interested or concerned in the Matters in Question.

No Juryman to be interested,

VII. Provided always, and it is hereby declared and enacted, That no Person or Persons whatsoever shall sit or act as a Commissioner or Commissioners for either of the said Counties respectively, or in case where he or they are in any wise directly or indirectly interested or concerned of or in any Matter or Matters in Question.

nor Commissioner.

VIII. Provided also, and be it further enacted, That the said Commissioners, and each of them, before he or they take upon him or themselves the Execution of any of the Powers or Authorities hereby given to him or them, shall take the Oath following; to wit,

Commissioners Oath.

I *N. B.* shall and will, without Favour or Affection, Hatred or Malice, Fear or Hope of Reward, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities vested in me, as a Commissioner appointed in pursuance of an Act, intituled, *An Act to revive, explain, and amend an Act made in the Sixteenth and Seventeenth Years of the Reign of his late Majesty King* Charles *the Second, intituled,* An Act for making the River of *Medway* navigable, in the Counties of *Kent* and *Sussex.*

Which Oath the said Commissioners, or any Three or more of them, are hereby authorized and impowered to administer, the one to the other or others, at their first Meeting, or at any subsequent Meetings in pursuance of this Act.

IX. And for continuing a sufficient Number of Commissioners for putting in Execution all and every the Powers and Authorities in this Act contained; be it further enacted by the Authority aforesaid, That when and as often as any Commissioner or Commissioners shall die, remove, refuse, or neglect to act during the Space of Two Years, it shall and may be lawful to and for the surviving and remaining Commissioners, or any Eleven or more of them, by Writing or Writings under their Hands and Seals from time to time and at all times hereafter to nominate, elect, and appoint One or more fit Person or Persons living within the said Counties of Kent or Sussex respectively, in the Room of such Commissioner or Commissioners so deceased, removing, refusing, or neglecting to act; and such Person and Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Commissioners; but Notice of the Time and Place of Meeting for the Election of all and every new Commissioner or Commissioners shall be given by the Clerk, or such other Officer as the said Commissioners shall appoint for that Purpose, sent in Writing to each Commissioner respectively Twenty Days at least before such Election; and all and every such Person and Persons as shall from time to time be chosen and appointed to be joined with such surviving or remaining Commissioners, he and they conforming him and themselves to the Rules, Orders, and Directions, and taking the Oath of Office herein before appointed, shall and may, and he and they are hereby authorized and impowered to exercise all and every the Powers and Authorities in and by this Act given to the Commissioners herein above named, in as full, large, and ample a Manner as they or any of them can or may do by virtue of this Act.

On Death or Removal of Commissioners, others to be chosen.

X. And be it further enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick or Corporate, at any time after the said Company of Proprietors shall have begun to carry this Act into Execution for making the said River and Streams navigable, or shall have compleated the same, shall happen to sustain any Damages or Injury in his, her, or their Lands, Grounds, Mills, Wears, Bridges, or Premisses, used for any of the Purposes mentioned in this Act (for which they shall have had no Recompence or Satisfaction by such Agreement of the Parties or Verdict or Judgement of the Commissioners as aforesaid) by any Act, Neglect, or Default of the said Company of Proprietors, their Successors, or Assigns, or of their Deputies, Agents, Workmen, or Servants, or by Reason of any Alteration which shall be made by them or any or either of them on the said River, Cuts, Trenches, or Passages, to be made by virtue of this Act, then and in such Case the said Commissioners, or any Seven or more of them, shall enquire of and ascertain such Damages by a Jury to be impanelled and returned as aforesaid, and give Judgement for the Party or Parties aggrieved, and record the same accordingly, in the very same Manner and Form as the Damages and Recompences are hereby appointed to be assessed and adjudged for any Lands, Tenements, Hereditaments, Mills, Wears, and Premisses, which shall be any wise made use of, cut, or damnified, in making navigable the said River; and in Default of the Payment of such Sum or Sums of Money, and at such Times, and in such Manner, as shall be assessed and awarded by the said Commissioners, or any Seven or more of them, such Commissioners, or any Seven or more of them, shall and may by Warrant under their Hands and Seals authorize and impower such Person or Persons as they shall think fit, to levy the same by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, their Successors, and Assigns, or any of them, together with such reasonable Charges as the said Commissioners, or any Seven or more of them, shall in such Warrant direct, rendering to the said Company of Proprietors, their Successors, and Assigns, the Overplus upon Demand (if any such be) or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed, which shall not be paid according to the Judgement of

Proprietors always liable to pay Damages to the Landowners, &c.

by Verdict of a Jury before the Commissioners;

which may be levied by Distress and Sale of Proprietors Goods.

the ſaid Commiſſioners, or any Seven or more of them as aforeſaid, by Action at Law in any of His Majeſty's Courts of Record at Weſtminſter againſt the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, to recover the ſame with their full Coſts of Suit.

Proprietors may raiſe Money among themſelves to carry on their Work, not exceeding 30,000

XI. And be it enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors, and Aſſigns, to raiſe and contribute amongſt themſelves, and in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making the ſaid River and Streams navigable; provided that the ſaid Sum do not exceed the Sum of Thirty thouſand Pounds in the whole, and that the ſame be divided into Three hundred Shares at a Price not exceeding One hundred Pounds per Share, and that no Perſon ſubſcribing thereunto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor of leſs than one Share, or a Proprietor of more than ten Shares; and the Money ſo to be raiſed is hereby enacted and appointed to be laid out and applied in the firſt Place for and towards the Payment, Diſcharge, and Satisfaction of all Fees and Diſburſements for obtaining and paſſing this preſent Act of Parliament; and all other neceſſary Expences relating thereunto; and all the Reſidue and Remainder of ſuch Money, for and towards making the ſaid River and Streams navigable; and to no other Uſe, Intent, or Purpoſe whatſoever.

The Money raiſed, to be divided into 300 Shares.

XII. And be it further enacted by the Authority aforeſaid, That the ſaid Sum of Thirty thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein before named, ſhall be divided and diſtinguiſhed into Three hundred equal Parts or Shares as aforeſaid; and that the ſaid Three hundred Shares ſhall be and are hereby veſted in the ſeveral Perſons before mentioned, and their ſeveral and reſpective Heirs and Aſſigns, to their and every of their proper Uſe and Behoof, proportionably to the Sum they and each of them ſhall ſeverally ſubſcribe and pay thereunto; and every the Bodies Politick and Corporate, and every Perſon and Perſons, their ſeveral and reſpective Succeſſors, Heirs and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sums as ſhall be demanded in lieu thereof, towards carrying on and compleating the ſaid intended Navigation, ſhall be intitled to the intire and neat Diſtribution of one Three hundredth Part of the ſaid Profits and Advantages that ſhall and may ariſe and accrue by virtue of the Sum and Sums of Money to be raiſed, levied, or received by the Authority of this Act, and ſo in Proportion for any greater Number of Shares not exceeding Ten Shares as aforeſaid; and every Body Corporate or Politick, Perſon or Perſons, having ſuch Property of one Three hundredth Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate proportional Sum of Money towards carrying on the ſaid Undertaking, in Manner as herein after is enacted, directed, and appointed.

No Perſon to have above 10 Shares.

XIII. And for the better and more commodious carrying on and ſupporting the ſaid Undertaking, be it enacted by the Authority aforeſaid, That all and every the Subſcriber and Subſcribers, Undertaker and Undertakers, Proprietor and Proprietors, for making the ſaid River and Streams navigable, their Succeſſors and Aſſigns, are hereby erected and united into a Company as aforeſaid, upon this expreſs Condition, That they the ſaid Subſcribers, Undertakers, and Proprietors, their and every of their reſpective Succeſſors, Heirs, or Aſſigns, ſhall and do ſubmit themſelves to, and do obey and obſerve the ſeveral Rules and Orders herein after mentioned, and ſhall make all ſuch Payments, and upon ſuch Calls as are herein after mentioned and appointed, for carrying on and maintaining the ſaid Navigation; and that in Default of obeying and obſerving ſuch Rules, or of making ſuch Payments in Manner herein after directed, they the ſaid Subſcribers, Undertakers, and Proprietors, their Succeſſors, Heirs, and Aſſigns, who ſhall make ſuch Default, ſhall forfeit all the Share and Shares which they or any of them ſhall reſpectively have in the ſaid Undertaking of the ſaid Company of Proprietors for making the ſaid River Medway navigable, and the Monies ſo advanced and paid by ſuch Perſon or Perſons reſpectively, to be paid and applied in Manner as herein after is directed and appointed.

Subſcribers not anſwering all the Calls, ſhall loſe what they have paid.

XIV. And to the End that all Matters and Things touching, concerning, or relating to the carrying on and compleating the ſaid Navigation and the Improvements thereof, may be managed, conducted, and regulated in the moſt beneficial Manner; be it further enacted, That every Body or Bodies Politick or Corporate, or other Perſon or Perſons, who ſhall by virtue of this preſent Act have ſubſcribed or undertaken for one three hundredth Share of the ſaid Navigation, ſhall be deemed a Proprietor for ſo much, and ſhall have a Vote in every publick Meeting or Aſſembly for carrying on the ſaid Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals; and ſuch Vote or Votes by Proxy ſhall be good and ſufficient to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Corporate or Politick, Perſon or Perſons, who ſhall have more than one ſuch Share, and not exceeding ten Shares, ſhall have Liberty by him, her, or themſelves, or by his, her, or their Proxies, regularly conſtituted as aforeſaid, to give One Vote for each ſuch Share of One hundred Pounds, for which he, ſhe, or they ſhall be a Subſcriber or Subſcribers as aforeſaid; and whatſoever Queſtion, Election of proper Officers, or other Matter or Thing ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly to be held by Virtue and Force of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Share or One hundred Pounds Subſcription; provided that no Perſon whatſoever ſhall give or deliver more Proxies than for two abſent Proprietors.

Subſcribers to have a Vote for every Share,

by themſelves or Proxies.

XV. And to the End that all Matters and Things to be done and carried on by Virtue and Authority of this Act may be the more regularly and methodically enforced, and put in due Execution; be it enacted by the Authority aforeſaid, That the firſt general Aſſembly

Assembly or Meeting of the said Proprietors for putting this Act in Execution, shall be held at some convenient Place in the Town of Tunbridge in the said County of Kent, upon the Twentieth Day of May, One thousand seven hundred and forty, and also upon the Fifteenth Day of August next ensuing; and the like general Assemblies or Meetings shall be held on the said Fifteenth Day of August in every Year for the future (except such Day shall fall on a Sunday, and in that case to be held on the next Day following) at or before the Hour of Eleven of the Clock in the Forenoon; at which said first Meeting, the Proprietors assembled, together with such Proxies as shall be then present, shall choose Nine Persons, who are for the time being Proprietors of Five or more Shares in the said Navigation; which Persons so chosen shall be a Committee to manage the Affairs of the said Company of Proprietors, in such Manner as herein after is directed, and as shall from time to time be ordered by such general Assemblies as aforesaid. General Assemblies for choosing a Committee.

XVI. Provided always, That if at any such general Assembly there shall not be Persons present who have One hundred such Shares as aforesaid, either as Principals or Proxies, so that no Choice can be made at that time; then and in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place upon that Day Month following; and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein before appointed, had there been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and continue in such Offices, until such Time as they would have done, had they been chosen on the said Day herein before appointed; and that in case of Failure of the Meeting of Persons having One hundred Votes as Principals or Proxies at such first Meeting, the whole Number of Principals who shall not be present at such second Meeting, by him or themselves, or his or their Proxies, shall forfeit to the said Company of Proprietors for every Share which he, she, or they shall then have in the said Navigation and Undertaking, the Sum of Ten Shillings for each Share in the said Undertaking, to be stopped out of the next Dividend of the Profits of the said Undertaking; and every such general Assembly shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on account of the said Navigation with the Receiver or Receivers, or any other Officer or Officers to be by them appointed, or any other Person or Persons whatsoever employed by or concerned for or under them in and about the aforesaid Navigation; and to that Purpose shall have Power to adjourn themselves over from time to time, and from Place to Place, as shall be thought convenient by the Persons intitled to a Majority of Votes in Manner as aforesaid; and every general Assembly, or such Committee, met together by Authority of this Act, shall have Power from time to time to make such Call or Calls of Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they from time to time shall find wanting and necessary for those Purposes; so that no one Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls to that Amount be made but at the Distance of Three Months at the least from each other; which Money so called for shall be paid to such Person or Persons, and in such Manner as the said general Assembly shall from time to time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next annual or other general Assembly to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands, Liberties, and Materials, for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under-officers, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of Five at least of the said Committee together assembled: And every Owner or Owners of any One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Three Months Notice at least shall be given, by publishing the same twice at least in the London Gazette, and also proclaiming thereof by the Common Crier on Two several Market Days, at the Market Crosses of the Towns of Maidstone and Tunbridge in the County of Kent and of East Grinsted in the County of Sussex respectively, between the Hours of Eleven and One of the Clock on all such Market Days: And if any Person or Persons shall neglect or refuse to pay his, her, or their ratable or proportionable Share or Part of the said Money so called for, as aforesaid, at the Time and Place appointed by such general Assembly or Committee, he, she, or they so neglecting or refusing shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Navigation, Undertaking, and Premisses, and all the Profit and Benefit thereof, to the rest of the Company of Proprietors of the said Navigation, their Successors, and Assigns, in Trust for, and for the Benefit of all the rest of the said Proprietors in Proportion to their respective Interests.

General Assembly that consist of 100 Shares.

Proprietors not meeting the Second time, shall forfeit 10 s. for each Share.

Power of general Assemblies.

Notice of Meeting to be twice in the Gazette, and proclaimed twice by the Crier.

XVII. Provided, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Undertaking, till after personal Notice to the Owner, nor unless the same shall be declared to be forfeited at some general Assembly of the said Company of Proprietors, who shall meet within the Space of Six Months next after such Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Action and Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement betwixt such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to carrying on the said intended Navigation.

Subscriber forfeiting his Share, shall have personal Notice, and the Forfeiture declared at General Assembly.

Directions on the Death of Subscribers.

XVIII. Provided also, and be it enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum of One hundred Pounds on each Share, which he, she, or they shall be possessed of or intitled unto, without having made any Provision by Will or otherwise how such Share or Shares shall be disposed of, and Money paid in upon Calls for the future; then and in such Case the Executors and Administrators of any such Owner so dying, and the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or other Person or Persons whatsoever intitled to the Estate or Effects of such Owner deceased, shall be indemnified against all such Infant or Infants, and other Persons whatsoever, for paying any Sum of Money when called for as aforesaid, to compleat every such Subscription: And if such Owner deceased shall not have left Assets sufficient to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby impowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share and Shares of such Owner deceased, on Condition that he, she, or they so admitted, do and shall on or before such Admission pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others intitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his or her Life-time by virtue of any Call or Calls or otherwise upon such Share or Shares.

Books of Accounts to be kept at *Tunbridge* in a Chest, and the Key kept by the Committee.

XIX. And be it further enacted by the Authority aforesaid, That the Book and Books in which all Accounts relating to the said Undertaking and Navigation shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked up in a Chest or Box, Chests or Boxes, to be kept at Tunbridge aforesaid, and the Key thereof the Committee for the time being shall have in their Custody or Power; and every Proprietor or Proprietors, upon every reasonable Desire, shall have free Access to the same for his, her, or their Inspection.

XX. And whereas it is adjudged to be most beneficial, that the making the said River navigable shall be begun at *Maidstone*, and be from thence proceeded upon upwards, until the same be completed to *Forest Row* aforesaid; be it enacted and declared, That when and so soon as the said Navigation shall be compleated, so as to navigate flat-bottomed Boats or Barges of Forty Tons from Maidstone to the Town of Tunbridge aforesaid, and not before, it shall and may be lawful to and for the several Proprietors of such Navigation to sell and dispose of any Share or Shares, he, she, or they shall and may be intitled unto therein, subject to the Rules and Conditions herein after mentioned: And any Purchaser or Purchasers shall for his, her, or their Security, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale or Conveyance made unto him, her, or them, and executed by such Person or Persons, of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers; one Part whereof, duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or their Clerk for the time being, to be filed and kept for the Use of the said Company; and until such Duplicate of such Deed shall be so delivered unto the said Committee, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation paid unto him, her, or them, or any Vote as Proprietor or Proprietors, until every such Duplicate shall be duly filed by the said Committee, and an Entry thereof made in a Book to be kept for that Purpose, for which no more than one Shilling shall be paid: And after any Call of such Monies shall be made by a general Assembly, or such Committee as aforesaid, no Person or Person shall sell or transfer any Share which he, she, or they shall then have in the said Undertaking, until the Monies called for upon such respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting his, her, or their respective Share or Shares of the said Undertaking, to the said Company, in Trust for the Benefit of all the Proprietors as aforesaid.

XXI. And be it further enacted, That the Sale of the said Shares shall be in the following Form; to wit,

Form of the Sale.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* his Heirs and Assigns, *or more* of the Share *or* Shares (*as the Case is*) of the Undertaking of the Navigation of the River *Medway*, to hold to him the said *C. D.* his Heirs and Assigns, subject to the same Rules and Orders, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept of the said Share *or* Shares of the said Undertaking, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, this Day of *Anno Domini*

Power of General Assemblies.

XXII. And be it further enacted by the Authority aforesaid, That the said Company of Proprietors, their Successors, and Assigns for the time being, shall always have Power and Authority, at any general Assembly met as aforesaid, to remove or displace any Person or Persons chosen upon such Committee as aforesaid, or any other Officer or Officers under them, and to revoke, alter, amend or change any of the Rules and Directions herein before prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet; the Method of calling general Assemblies, and their Time and Place of Meeting, and voting and appointing Committees, only excepted; and shall have Power to make such new Rules, By-laws, and Orders, for the good Government of the said Company, as to the major Part of such general Assembly shall seem meet; so that such new Rules, By-laws, and Orders, be made consistent with the Laws of this Kingdom, and not otherwise.

XXIII. And be it further enacted by the Authority aforesaid, That in Consideration of the great Charges and Expences the said Company of Proprietors, their Successors and Assigns, will be put unto in making the said River Medway and Streams navigable as aforesaid,

aforesaid, and in repairing and keeping the same fit for such Navigation; it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, and they are hereby authorized and impowered at all Times, from and after the Twentieth Day of May, One thousand seven hundred and forty, to keep Boats, Barges, Lighters, or any other Sort of Vessels, and by themselves, their Agents, Workmen, Servants, or any other Person or Persons to employ and work the same for the Carriage of all Sorts of Goods, Wares, Merchandizes, Commodities, and other Things whatsoever, as well upon such Part of the said River and Streams as shall be by them made navigable, as on any other Part or Parts thereof which are now navigable and passable; and to take and receive to their own proper Use the Profits, Benefits, and Advantages thereof; and also to ask, demand, and receive, recover and take of and from all and every Person or Persons who shall carry or convey, or cause to be carried and conveyed, any Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, upon the said River and Streams between Maidstone and Forest Row aforesaid, or any Part thereof (which all Person and Persons shall and may lawfully do) such Rates and Duties for Lockage and Riverage as the said Company of Proprietors, their Successors or Assigns, shall think fit, not exceeding the Sum of Four Pence per Mile for every Ton Weight of Goods, Wares, Merchandizes, Commodities, or other Things, which shall be carried on any Part of the said River between Maidstone and Brand Bridge in the Parish of Yalding, either upwards or downwards; and not exceeding the Sum of Six Pence per Mile for every Ton Weight of Goods, Wares, Merchandizes, Commodities, or other Things whatsoever, which shall be so carried on any Part of the said River or Streams between Brand Bridge and Forest Row aforesaid, either upwards or downwards; and so in Proportion for a greater or less Quantity.

Proprietors may employ Boats, &c. to carry Goods on the River;

and to take Toll of others, as herein directed.

XXIV. Provided, That no Toll, Rates, or Duties shall be demanded or taken by the said Company of Proprietors, of any Person or Persons navigating the said River, until the same be made navigable for Boats carrying forty Tons from Maidstone up to Brand Bridge aforesaid.

No Toll to be paid till the River is navigable for Boats carrying 40 Tons.

XXV. Provided nevertheless, and be it enacted by the Authority aforesaid, That all and every Person and Persons whatsoever shall and may at all Times hereafter have the free Use and Navigation of the said River, or any Part thereof, below East Farley Bridge, with Boats, Barges, Lighters, or any other Vessels, coming to fetch, or being loaded with Stones or Gun-powder, or any Sort of Materials for making Gun-powder, without paying or allowing any thing for their passing or repassing in, by, or through any of the Locks, Wears, or Pens for Water, to be erected by the said Company of Proprietors by virtue of this or the said former Act; any thing in either of the said Acts to the contrary notwithstanding.

What Boats may pass Toll-free.

XXVI. Provided always, and it is hereby declared, That all such Boats as shall be loaded with Sea Coals only, and navigating on the said River, Twenty five hundred Weight thereof shall be reckoned and deemed to be as a Ton, and be paid for as such, and no more, within the Meaning of this Act.

Ton of Sea Coals.

XXVII. Provided also, and be it further enacted, That all Persons with Fishing Boats, Pleasure Boats, or other Boats not carrying any Passengers, Goods, Wares, or Merchandizes for Gain or Hire, shall have free Liberty to pass and repass on the said River, in, by, or through any of the aforesaid Locks, Wears, or Pens for Water, at all Times when such Locks, Wears, or Pens shall be left open, or shall be opened by the said Company of Proprietors, or any of their Servants, for the letting any other Boat or Vessel through the same, without paying or allowing any thing for such their passing or repassing as aforesaid.

Boats not carrying Goods or Passengers, to pass Toll-free.

XXVIII. And to the End that the Navigation of the said River may be equally beneficial to all Traders thereon, it is hereby declared and enacted, That the said Company of Proprietors, when and as soon as they shall have made the said River navigable to Brand Bridge aforesaid, and from time to time as they shall proceed to make the same navigable higher, shall fix and settle the Prices, which they intend to charge and receive for Lockage and Riverage, to be charged on all other Persons navigating the said River for the like Sorts of Goods, Wares, Merchandizes, and Commodities, not exceeding the respective Sums hereby authorized to be demanded and received; and that the said Duties shall be respectively entered in a Book or Books to be kept or used by the said Company of Proprietors for that Purpose; and shall likewise be publickly fixt up at the several Places where such Duties shall be demanded or received, and so from time to time as often as the said Company of Proprietors shall think fit to alter or reduce such Duties; and they shall charge and receive the said Duties for Lockage and Riverage equally from all Persons navigating the said River: And in case the said Proprietors, or their Agent or Agents, shall take or receive of any Person or Persons any higher or less Duties than are so fixt and settled for the same Sort of Goods, Wares, Merchandizes, or Commodities, such Person or Persons who shall be convicted thereof, shall for every Ton of such Goods, Wares, Merchandizes, or Commodities, for which such higher or less Duties for Lockage and Riverage shall be charged and received, forfeit to the Party or Parties aggrieved the Sum of Five Shillings per Ton.

Directions to the Proprietors concerning the Toll.

XXIX. And for the more easy collecting the Rates and Duties hereby laid and directed to be paid; be it further enacted by the Authority aforesaid, That every Owner, Master, or other Person having the Command of any Boat, Barge, Lighter, or other Vessel navigating on the said River or Streams, or on any Part thereof to be made navigable by the said Company of Proprietors as aforesaid, shall upon every Demand for that Purpose give a just, true, and perfect Account to such Person or Persons as shall be appointed by the said Company of Proprietors for collecting such Rates and Duties, at the Place or Places where they shall be to attend for that Purpose, of what Quantity or Weight of Goods, Wares, Merchandizes, and other Commodities and Things shall be in or belonging to each Boat, Barge, Lighter, or other Vessel, and from

Directions for Masters of Vessels.

from whence and from whom such Owner, Master, or other Person brought such Goods, Wares, Merchandizes, and other Commodities and Things, and where they intend to land the same; and in case of Refusal to give such Account, or of giving a false Account, or of delivering any Part of such Loading or Goods at any other Place or Places, contrary to what is mentioned in such Account, every Owner, Master, or other Person, shall forfeit to the said Proprietors, their Successors, and Assigns, Five Shillings for every Ton of Goods which shall be in every such Boat, Barge, Lighter, or Vessel respectively, over and above what shall be contained in such Account, or which shall be carried further than the Place or Places of Delivery mentioned in the aforesaid Account: And in case of Neglect or Denial of such Payment on Demand of such Forfeiture, or of such respective Rates and Duties before mentioned, or of any Part thereof, to the said Company of Proprietors, their Successors, or Assigns, that then and in such Case they the said Company of Proprietors, their Successors, and Assigns, shall and may sue for the same by Action of Debt in any of His Majesty's Courts of Record at Westminster, or shall or may seize or distrain any Goods, Boats, Barges, Lighters, or Vessels wherein such Goods or other Things are carried, for which the said Rates and Prices and other Payments as aforesaid are hereby directed to be paid, until due Payment thereof together with reasonable Charges for such Seizure and Distress; and if such Goods so distrained shall not be redeemed within Ten Days after the taking thereof, the Person seizing and distraining may with the Constable, Headborough, or other Officer of the Place where such Seizure and Distress shall be taken (who is hereby required to be aiding and assisting therein) cause the said Goods, Boats, Barges, Lighters, or other Vessels, or some Part thereof, to be appraised by Two sworn Appraisers to be appointed by such Constable, Headborough, or other Officer, who is hereby impowered to swear them to appraise the same truly and indifferently according to the best of their Judgements; and after such Appraisement shall and may sell and dispose of the same, or any Part thereof, for Satisfaction of such Rate and Duty and other Payments, with the Charges of such Seizure and Distress, leaving the Overplus (if any be) in the Hands of such Constable or other Officer for the Owner's Use.

Vessels to be marked on the Outside.

XXX. And to the End that as well the Names of the Owners, Masters, or Persons having the Command of any Boats, Barges, Lighters, or other Vessels navigating on the said River, as also the Quantity of Goods, Wares, Merchandizes, and other Things therein contained, may be better known; be it further enacted by the Authority aforesaid, That every such Owner, Master, or other Person as aforesaid, shall cause his Name to be set in large white Capital Letters on each of the Outsides of every such Boat, Barge, Lighter, or other Vessel, higher than the same shall sink into the Water when full loaded; and also permit and suffer every such Boat, Barge, Lighter, or other Vessel, to be measured at the Expence of the Proprietors of the said Navigation, by putting Weights into the same, in the Presence of any Person or Persons appointed by the said Company of Proprietors for that Purpose; and shall also set Figures or Marks at the End of every such Boat, Barge, Lighter, or other Vessel on the Outside thereof, shewing how much, or how far, every Ton Weight of Loading will sink the same respectively in the Water; and shall permit the same to be remeasured as often as shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; and every Owner, Master, or other Person as aforesaid, who shall refuse or neglect to put his Name and such Marks of Tonage on any Boat, Barge, Lighter, or other Vessel, in Manner as aforesaid, or shall alter, deface, erase, or destroy any Letter, Mark, or Figure, describing or denoting as aforesaid, shall for every such Offence respectively forfeit and pay to the said Company of Proprietors, their Successors or Assigns, the Sum of Five Pounds.

Proviso.

XXXI. Provided always, That nothing in this or the said in part recited Act contained, shall extend, or to be construed to extend, to authorize or impower the said Company of Proprietors to cleanse, scour, dig, widen, or depen the said River, or any Part thereof, below the lower Part of Mistress Edmunds's Wharf in Maidstone aforesaid; or to authorize or impower the said Company of Proprietors, to erect, build, set up, make, or hire any Ware-houses, Store-houses, Wharfs, Cranes, or other Erections, to lay, load or unload any Iron Ordnance, Timber, or other Goods whatsoever, within the Parish of Maidstone aforesaid, or to authorize or impower the said Company of Proprietors to erect, build, or set up any Lock, Wear, Dam, or Pen for Water, below the Wall belonging to the Gardens of the College near Maidstone Church.

Proviso.

XXXII. Provided also, and be it further enacted, That if at any Time hereafter any Person or Persons, Bodies Politick or Corporate, shall be desirous, at his, her, or their proper Costs and Charges, to make navigable any Part of the said River of Medway, above Maidstone, or any Stream or Streams falling into the said River, which shall not be made navigable by the said Company within Seven Years to be computed from the First Day of May, One thousand seven hundred and forty, such Person and Persons shall and are hereby authorized and impowered so to do, subject to the same Restrictions and Limitations and the same Jurisdiction and Adjudication for Damages to be by them done to any Person or Persons, as the said Company of Proprietors are subject unto for such Part of the said River and Streams as is or shall be by them made navigable by Virtue of this or the former Act, or either of them; such Person or Persons, or any other Person and Persons as shall navigate such Stream or Streams into the said River, paying to the said Company of Proprietors for Passage through such Part of the said River as shall be by them so made navigable, the same Rates and Prices as are above limited and appointed for the said Company to receive, and no more.

The Navigation of the River *Medway* not subject to the Commissioners for Sewers

XXXIII. And be it further enacted by the Authority aforesaid, That the said River Medway and Streams from Maidstone up to Forest Row aforesaid, or any Works, Watters, or Things which shall be made, erected, or used, for making, keeping, and continuing the said River and Streams navigable, portable, and passable, shall not be under the Survey or Order of any Commission of Sewers, nor subject thereunto, or to any

Law

Law or Statute made relating to Sewers; any Law or Statute to the contrary notwithstanding.

Proviso. XXXIV. Provided always, and it is hereby enacted and declared, That the said Company of Proprietors of the Navigation of the River Medway, their Successors and Assigns, or any other Person or Persons who shall hereafter at his, her, or their own proper Costs and Charges make any other Stream or Streams falling into the said River navigable as aforesaid, are hereby exempted from the Payment of any Cares, Rates, Assessments, or Impositions whatsoever, for or in Respect of the Navigation of the said River, or the Profits arising thereby; any Act or Acts of Parliament made or to be made, Custom or Usage to the contrary notwithstanding.

Persons damaging the Works, to forfeit 5 *l.* XXXV. And be it further enacted, That if any Person or Persons shall maliciously or wantonly open any of the Gates belonging to the Works to be erected for the Benefit of the said Navigation, or do any other wilful Mischief, whereby to injure, obstruct, or hinder the said Company of Proprietors or other Undertakers as aforesaid in carrying on, compleating, and maintaining the said Navigation; such Person or Persons being thereof convicted before One or more Justice or Justices of the Peace by Oath of One or more credible Witness or Witnesses, shall for every such Offence forfeit and pay to the said Company of Proprietors, their Successors, or Assigns, the Sum of Five Pounds; and in Default of Payment thereof the Person or Persons so offending shall be sent to the House of Correction, there to be kept to hard Labour for such Time as such Justice or Justices of the Peace shall by Warrant under their Hands and Seals direct, not exceeding Three Months.

or be sent to the House of Correction to hard Labour, not exceeding 3 Months.

Unqualified Persons carrying Nets, Guns, &c. to destroy the Game, to forfeit 5 *l.* XXXVI. And be it further enacted, That if any Person or Persons navigating or working in any Boat or Barge or other Vessel on the said River (not being duly qualified by the several Laws and Statutes relating to Game) shall carry on Board any such Boat, Barge, or Vessel, any Fishing-net, Gun, Engine, or other Instrument for taking and destroying of Fish or Game; such Person or Persons, being thereof lawfully convicted by the Oath of One or more credible Witness or Witnesses before One or more of His Majesty's Justices of the Peace for the Counties of Kent and Sussex, respectively, shall for every such Offence forfeit and pay the Sum of Five Pounds, to be levied, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus (if any shall be) the necessary Charges of such Distress and Sale being first deducted; one half thereof to the Use of the Informer, and the other half to the Poor of the Parish where the Offence shall be committed.

Directions for levying Forfeitures. XXXVII. And be it further enacted by the Authority aforesaid, That all Fines and Forfeitures inflicted by this Act, the recovering and levying of which are not particularly herein directed, shall be levied by Warrant under Hand and Seal of any Two or more Justices of the Peace of the Counties of Kent and Sussex respectively, residing in or near the Division or Place where such Offence shall be committed; which said Justices are hereby authorized to hear and examine Witnesses upon Oath, or Affirmation, and determine the same; but in case any of the Parties think themselves aggrieved, they may appeal to the next General or Quarter-sessions for such County or Place, who shall hear and finally determine the same, and give such Costs as to them shall appear reasonable; Saving and reserving at all Times hereafter unto the King's most Excellent Majesty, His Heirs, and Successors, and all Body and Bodies Politick and Corporate, and all other Person and Persons whatsoever, all Royalties and Rights of Fishery, and other Privileges, by Law, Usage, or Custom, to them or any of them justly appertaining.

Limitation of Actions. XXXVIII. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be brought or commenced by or against any Person or Persons, or by or against the said Company of Proprietors of the said River Medway, for any thing done in pursuance of this Act, or in relation to the Premisses, every such Action, Suit, or Information shall be brought or commenced within Three Months next after the Facts committed, and not afterwards, and shall be laid and brought in the Counties of Kent and Sussex respectively, where the Matters in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of this Act: And if the same shall appear to be so done, or if any such Action, or Suit, or Information shall be brought or commenced after the Time before limited for bringing or commencing the same, or shall be laid or brought in any other County or Place, than where the Matter in Dispute shall lie, then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass, or Judgement upon Demurrer be given, against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have such Remedy for the same, as any Defendant or Defendants hath or have, or may or can have for Costs in any other Cases by Law.

General Issue.

Publick Act. XXXIX. And be it enacted by the Authority aforesaid, That this Act shall be deemed, taken, and allowed in all Courts within this Kingdom to be a Publick Act, and all Judges and Justices are hereby required to take Notice thereof as such, without specially pleading the same; and all Mayors, Justices, Sheriffs, Bailiffs, Constables, and other Officers and Ministers of Justice, are hereby required to be aiding and assisting to the said Proprietors and Undertakers, their Successors and Assigns, and to their Deputies, and all such Officers, Servants, and Workmen, as shall from time to time be employed by them or any of them, in the due and lawful Execution of this Act, or any of the Powers and Authorities hereby given.

CAP.

CAP. XXVII.

An Act for prohibiting Commerce with *Spain*.

Preamble.

WHEREAS His Majesty hath been called on by the repeated Insults, Depredations, and Cruelties of the *Spaniards*, to make use of the Power which God hath given Him, for vindicating the Honour and Dignity of His Crown, and for securing to His Subjects the undoubted Rights and Privileges of Navigation and Commerce to which they are justly intitled; and in order thereunto His Majesty upon just and honourable Grounds hath thought fit to declare War with *Spain*; and it being highly requisite and necessary to prohibit and restrain all Commerce between His Majesty's Subjects and those of *Spain* in *Europe*, and to enforce such Prohibitions and Restrictions by severe Penalties; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of June, in the Year of our Lord One thousand seven hundred and forty, no Wines or Fruits of any Sort, nor Wooll, Iron, Drugs, or Grocery Wares, Skins, or any other Goods or Commodities whatsoever, of the Growth, Product, or Manufacture of any of the Kingdoms, Dominions, Islands, or Territories of the King of Spain, commonly called Old Spain, lying or being in Europe, or of the Islands commonly called The Canary Islands, belonging to the said King of Spain (except such Goods as shall be bona fide taken and condemned as lawful Prize in any Court of Admiralty, or ordered by any such Court before Condemnation to be sold as perishable, wherein the said Court is hereby directed to proceed in the same Manner as at any Time before the making of this Act) shall, during the present War with Spain, be imported in any Ship or Vessel whatsoever into any Port, Haven, Creek, or other Place whatsoever in the Kingdoms of Great Britain or Ireland, or Isles of Jersey, Guernsey, Alderney, Sark, Isle of Man, or Minorca, or the Town or Port of Gibraltar, from any Port or Place whatsoever, either mixt or unmixt with any Commodities of the Growth or Product of any other Nation, Place, or Country whatsoever, under the Penalty of the Forfeiture of all such Goods and Commodities, and treble the Value thereof, and of the Ship or Vessel in which they shall be imported, with all her Guns, Tackle, Furniture, Ammunition, and Apparel, to be prosecuted and divided in the Manner herein after mentioned.

No Goods to be imported from *Old Spain*,

on Penalty of forfeiting Ship and Goods, and treble the Value.

II. Provided that nothing herein contained shall extend, or be construed to extend, to hinder or prohibit any Goods or Commodities of the Growth, Product, or Manufacture of any of the Kingdoms, Dominions, Islands, or Territories of the King of Spain, which shall be actually imported into the Island of Minorca or Gibraltar on or before the First Day of May, One thousand seven hundred and forty, from being imported into Great Britain, so as the same be imported on or before the Twenty fourth Day of June, One thousand seven hundred and forty, in British built Shipping navigated according to Law, and so as due Proof be made on Oath before the Commissioners of His Majesty's Customs, or any Three of them, in the Port of London, or before the Collector and Comptroller of the Customs in any other Port of Great Britain (who are hereby impowered to administer such Oath, and also to enquire into the Truth of the Case, and all Circumstances relating thereto) that the said Goods and Commodities were actually imported into Minorca or Gibraltar on or before the said First Day of May.

Except what are lodg'd at *Minorca* or *Gibraltar*, before 1 *May*, 1740,

and brought, home on *British* Bottoms before 24 *June*, 1740.

III. And to prevent collusive, fraudulent, or clandestine Captures by Privateers; be it enacted by the Authority aforesaid, That if any Privateer or Privateers shall by Consent, or clandestinely, or by Collusion, seize or take any Ship or Vessel whatsoever; upon due Proof thereof to be made in the Court of Admiralty, the Bail or Recognizance given in the said Court by or on the Behalf of such Privateer at the taking out of his Commission shall be pronounced and declared by the said Court to be forfeited, and the Privateer Ship itself, with all her Appurtenances, Guns, Tackle, Ammunition, and Goods on Board, as also the Merchant Ship or Vessel that shall be so taken, with her Appurtenances and Lading, upon Proof as aforesaid, shall be condemned as good and lawful Prize; and after Condemnation and Sale thereof the Person or Persons discovering and prosecuting the same shall have One third Part of the net Produce for his or their Encouragement.

Privateers taking Ships by Collusion, the Privateer and Prize both forfeited.

IV. And be it further enacted by the Authority aforesaid, That if any Question, Dispute, or Doubt shall arise, whether any of the Commodities seized for having been imported as aforesaid, or any Part thereof, either single or mixt, were of the Growth, Product, or Manufacture of any of the aforesaid Territories or Dominions of the King of Spain, or were imported contrary to this Act, the Proof shall be incumbent only on the Importer or Claimer, and not upon the Informer or Officer; and for Default of such Proof, that then a Judgement thereupon shall be given for the Recovery of the aforesaid Forfeiture, and Execution of Judgement shall be immediately granted and awarded according to the true Intent and Meaning of this Act, without any Stay or Delay whatsoever; and if any Informer, or other Person or Persons who shall take upon him or them to seize or prosecute any Goods or Commodities, or any Person or Persons, upon or by Virtue or Means of this present Act, shall by Fraud or Collusion desist from or delay the Prosecution of any of the Commodities aforesaid after Seizure or Stay of the same, or the Prosecution of any Person or Persons for any Offence against this Act, he and they so desisting and delaying shall for every such Offence, upon due Conviction thereof, forfeit the Sum of Five hundred Pounds.

Directions concerning Captures.

V. Provided always, and be it further enacted by the Authority aforesaid, That if His Majesty in his great Wisdom shall at any Time during the present War judge it for the Benefit of His People, to take off the aforesaid Prohibitions and Restrictions, or any Part thereof, from any of the Goods and Commodities aforesaid; it shall and may be lawful for the King's Majesty, by one or more Proclamation or Proclamations to be issued under the Great Seal of Great Britain, or by His Order in Council to be published in the London Gazette, to signify the same, and thereupon such Goods and Commodities as aforesaid shall and may be

The King by Proclamation may take off the Prohibition.

be imported, being first duly entered, and paying the Customs and other Duties now due by Law for the same; any thing herein contained to the contrary notwithstanding.

Claimant to give 100 *l.* Security, to answer Costs of Prosecution.

VI. And be it further enacted, That no Foreigner or other Person shall be admitted to enter a Claim to such Goods, Ship, Vessel, or Boat so seized as aforesaid, until sufficient Security be first given by Persons of known Ability in the Court where such Goods are prosecuted, in the Penalty of One hundred Pounds, to answer the Costs and Charges of Prosecution; and in Default of giving such Security, such Goods, Ship, Vessel, or Boat shall be adjudged to be forfeited, and shall be condemned.

How Forfeitures are to be divided.

VII. And it is hereby further enacted, That all the Forfeitures and Penalties, before in this Act mentioned and provided, which shall be incurred in Great Britain or Ireland, shall be divided into Three several Parts, Two third Parts thereof to His Majesty, His Heirs, and Successors, and the other third Part thereof to such Person or Persons as shall seize or sue for the same, by Bill, Plaint, or Information, in any of His Majesty's Courts of Exchequer in Great Britain or Ireland respectively, wherein no Essoign, Protection, or Wager of Law shall be allowed, the Charge of which Suits and Prosecutions shall be paid out of His Majesty's Part; and as to all Offences committed against this Act, and the Penalties and Forfeitures incurred thereby, in the Islands of Jersey, Guernsey, Alderney, Sark, Man, or Minorca, or in Gibraltar, the same shall and may be prosecuted in the Courts of Admiralty, or in any other Courts in the said Islands or Place, and the Seizures of any Ships or Goods imported into the said Islands or Place be made by such Person or Persons, as His Majesty by Warrant under His Royal Sign Manual shall authorize and appoint for that Purpose, which said Goods or Ships so seized, after Condemnation thereof, may be publickly sold, and divided between His Majesty and the Person or Persons seizing the same, in such and the like Proportions, as is before by this Act directed in relation to Penalties and Forfeitures incurred in Great Britain or Ireland, and that the Charge of such Prosecutions shall be paid out of His Majesty's Part; any thing in this or any other Act to the contrary notwithstanding.

Proviso.

VIII. Provided always, and be it enacted by the Authority aforesaid, That nothing herein contained shall extend or be construed to extend to the permitting any Goods, which shall have been seized and condemned in the said Islands of Jersey, Guernsey, Alderney, Sark, Man, or Minorca, or in Gibraltar, by virtue of this Act, to be imported into the Kingdoms of Great Britain or Ireland, in any Ship or Vessel, or on any Pretence whatsoever; and that in case any Goods which shall have been so seized or condemned in any of the said Places shall be imported into Great Britain or Ireland, the said Goods, and treble the Value thereof, and also the Ship importing the same, with her Tackle, Ammunition, Furniture, and Apparel, shall be liable to be seized, prosecuted, and divided in the same Manner, as if such Goods and Ship had been imported from any foreign Parts contrary to the true Intent and Meaning of this Act.

Limitation of Actions.

General Issue.

Treble Costs.

IX. And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, the Defendant or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover treble Costs, and have the like Remedy for the same as any Defendant or Defendants have in other Cases by Law.

CAP. XXVIII.

An Act for continuing the several Laws therein mentioned; relating to the Premiums upon the Importation of Masts, Yards, and Bowsprits, Tar, Pitch, and Turpentine; to *British* made Sail Cloth, and the Duties payable on foreign Sail Cloth; to the *Greenland*, and to the Whale Fishery: For granting a further Bounty for all Ships employed in the Whale Fishery during the present War: For exempting Harponeers, and others employed in the *Greenland* Fishery Trade, from being impressed: And for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

Preamble.

WHEREAS the Laws herein after mentioned are found to be very useful and beneficial to the Publick, and are so near expiring that it is fit they should now be continued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act made in the Second Year of the Reign of His present Majesty, intituled, An Act for better Preservation of His Majesty's Woods in *America*, and for the Encouragement of the Importation of Naval Stores from thence; and to encourage the Importation of Masts, Yards, and Bowsprits from that Part of *Great Britain* called *Scotland*; as relates to the Premiums upon Masts, Yards, and Bowsprits, Tar, Pitch, and Turpentine, which was made to be in Force from the Twenty ninth Day of September, One thousand seven hundred and twenty nine, for the Space of Thirteen Years, and to the End of the then next Session of Parliament, shall be, and the same is hereby continued from the Time therein limited for the Expiration thereof, unto the Twenty fifth Day of December, One thousand seven hundred and fifty, and from thence to the End of the then next Session of Parliament.

Act 2 *Geor.* II. *cap.* 35. *for Importation of Naval Stores,*

continued to 25 *Dec.* 1750.

II. And be it further enacted by the Authority aforesaid, That an Act made in the Ninth Year of the Reign of His present Majesty, intituled, An Act for further encouraging and regulating the Manufacture of *British* Sail Cloth, and for the more effectual securing the Duties now payable on foreign Sail Cloth imported into this Kingdom; which was to be in Force from the Twenty fourth Day of June, One thousand seven hundred and thirty six, for the Space of Five Years, and

Act 9 *Geor.* II. *cap.* 37. *for encouraging British Sail Cloth,*

continued to 25 *Dec.* 1750.

to the End of the then next Seſſion of Parliament, ſhall be, and the ſame is hereby continued from the Time therein limited for the Expiration thereof, unto the Twenty fifth Day of December, One thouſand ſeven hundred and fifty, and from thence to the End of the then next Seſſion of Parliament.

Act 5 *Geor.* II. *cap.* 28. *for encouraging the* Greenland *Fiſhery*, continued to 25 *Dec.* 1750.

III. And be it further enacted by the Authority aforeſaid, That an Act made in the Fifth Year of His preſent Majeſty's Reign, intituled, An Act for encouraging the *Greenland* Fiſhery, which was to be in Force for Nine Years, from the Twenty fifth Day of December, One thouſand ſeven hundred and thirty one, ſhall be, and the ſame is hereby continued from the Time therein limited for the Expiration thereof, unto the Twenty fifth Day of December, One thouſand ſeven hundred and fifty, and from thence to the End of the then next Seſſion of Parliament.

Act 6 *Geor.* II. *cap.* 33. *for encouraging the Whale Fiſhery*, continued to 25 *Dec.* 1750.

IV. And be it further enacted by the Authority aforeſaid, That an Act made in the Sixth Year of His preſent Majeſty's Reign, intituled, An Act for the further Encouragement of the Whale Fiſhery, carried on by His Majeſty's *Britiſh* Subjects, which was to be in Force during the Continuance of the laſt mentioned Act of the Fifth Year of His Majeſty's Reign, intituled, An Act for encouraging the *Greenland* Fiſhery, ſhall be, and the ſame is hereby continued for the Time therein limited for the Expiration thereof, unto the Twenty fifth Day of December, One thouſand ſeven hundred and fifty, and from thence to the End of the then next Seſſion of Parliament.

Additional Bounty of 10*s.* *per* Ton, for the Whale Fiſhery.

V. And be it further enacted by the Authority aforeſaid, That over and above the Allowance of Twenty Shillings a Ton, according to the Admeaſurement of the Ship, by the ſaid laſt mentioned Act directed to be paid, it ſhall and may be lawful for the reſpective Commiſſioners of the Cuſtoms in Great Britain, during the preſent War and no longer (upon having ſuch Schedule, Certificate, Licence, and Oath tranſmitted to them by the Collector and Comptroller of the Port from whence ſuch Ship ſhall depart, as by the ſaid laſt mentioned Act is directed; and upon ſuch Commiſſioners being ſatisfied of the faithful Dealings of the Maſter and other Perſons employed in ſuch Ship, with Reſpect to ſuch Voyage and Fiſhery) on Demand to cauſe Payment to be made to the Maſter or Owners, or to his or their Aſſigns, by the Receiver General of the Cuſtoms in that Part of Great Britain from whence ſuch Ship ſhall depart, of the Sum of Ten Shillings a Ton, according to the Admeaſurement of the Ship, over and above the Sum of Twenty Shillings a Ton by the laſt mentioned Act granted for the Encouragement of the Whale Fiſhery in the Greenland Seas, or Davis's Streights, and the adjacent Seas, carried on by His Majeſty's Britiſh Subjects, in ſuch Manner and at ſuch Time or Times as the ſaid Allowance of Twenty Shillings a Ton by the ſaid laſt mentioned Act is directed to be paid: And whereas the *Greenland* Fiſhery Trade cannot be carried on without Men who are uſed to the ſaid Fiſhery; be it therefore enacted by the Authority aforeſaid, That no Harpooneer, Line-manager, Boat-ſteerer, or Seaman, who ſhall be in or belonging to any Ship or Veſſel in the Greenland Fiſhery Trade, ſhall be impreſſed from the ſaid Service, and that any ſuch Harpooneer, Line-manager, Boat-ſteerer, or Seaman, may, during the Time of the Year that he or they are not employed in the ſaid Fiſhery, ſail in the Colliery Trade, upon giving Security to the Satisfaction of the Commiſſioners of the Cuſtoms, that he or they will proceed in the ſaid Ship or Veſſel to Greenland, or Davis's Streights, on the Whale Fiſhery the next Seaſon.

Greenland Fiſhermen, or Sailors not to be impreſſed.

Fiſhers Reports. 133.

Time enlarged for paying Duties for Clerks and Apprentices,

and ſtamping their Indentures, &c.

VI. And for the Relief of any Perſon or Perſons, who through Neglect or Inadvertency have omitted to pay the ſeveral Rates and Duties, or any Part thereof, upon Monies given, paid, contracted or agreed for, with or in relation to any Clerk, Apprentice, or Servant which hath been put or placed to or with any Maſter or Miſtreſs to learn any Profeſſion, Trade, or Employment, and to have ſuch Indentures or other Writings which ſhall contain the Covenants, Articles, Contracts, or Agreements relating to the Service of ſuch Clerk, Apprentice, or Servant ſtamped, within the Times by the ſeveral Acts of Parliament for thoſe Purpoſes reſpectively limited; or, who have alſo in like Manner omitted to inſert and write in Words at length in ſuch Indentures or other Writings as aforeſaid, the full Sum or Sums of Money or any Part thereof received, or in any wiſe directly or indirectly given, paid, agreed or contracted for, with or in relation to every ſuch Clerk, Apprentice, or Servant as aforeſaid; be it enacted by the Authority aforeſaid, That upon Payment of the Rates and Duties upon Monies, or ſuch Part of ſuch Monies, ſo neglected or omitted to be paid as aforeſaid, on or before the First Day of Auguſt, One thouſand ſeven hundred and forty, to ſuch Perſon or Perſons to whom the ſame ought to be paid, and tendering the ſaid Indentures or other Writings to be ſtamped at the ſame Time, or at any Time on or before the Twenty ninth Day of September, One thouſand ſeven hundred and forty (of which timely Notice is to be given in the London Gazette) the ſame Indentures or other Writings ſhall be good and available in Law or Equity, and may be given in Evidence in any Court whatſoever; and the Clerk, Apprentice, or Servant therein named, ſhall be capable of following and exerciſing their reſpective intended Trades or Employments, as fully as if the ſaid Rates and Duties ſo omitted had been duly paid, and the full Sum or Sums received or agreed for as aforeſaid had been inſerted; and the Perſons who have incurred any Penalties by the Omiſſions aforeſaid, ſhall be acquitted and diſcharged of and from the ſaid Penalty; any thing in this or the ſaid former Acts to the contrary in any wiſe notwithſtanding.

CAP. XXIX.

An Act for confirming and enlarging the Powers granted by His Majeſty to the Governors and Guardians of the Hoſpital, for the Maintenance and Education of expoſed and deſerted young Children, by His moſt Gracious Charter, bearing Date the Seventeenth Day of *October*, in the Year of our Lord One thouſand ſeven hundred and thirty nine, and to enable them to execute the good Purpoſes of the ſaid Charter.

Preamble.

WHEREAS His Majeſty, in Compaſſion to the Numbers of poor Infants who are liable to be expoſed to periſh in the Streets, or be murdered by their indigent and inhuman Parents, has been moſt graciouſly pleaſed, by His Royal Charter under the Great Seal of *Great Britain*, to create and eſtabliſh a Corporation

ration or Body Politick, by the Name of *The Governors and Guardians of the Hoſpital for the Maintenance and Education of expoſed and deſerted young Children*; which Corporation is by the ſaid Charter declared to have perpetual Succeſſion, and impowered to take, hold, purchaſe, receive, and poſſeſs Lands, Tenements, and Hereditaments, to the Value of Four thouſand Pounds a Year, and Goods, Chattels, and Perſonal Eſtate of what Nature and Value ſoever; and to purchaſe or erect an Hoſpital for the Support, Maintenance, and Education of expoſed and deſerted Children; and to hold Courts, to make By-laws, and to elect Governors and Officers, and to do other Acts for the Purpoſes of the ſaid Charter: And whereas great Sums of Money have been given by the Governors of the ſaid Hoſpital, and other Perſons, to be applied to the charitable Uſes before mentioned: And whereas by Reaſon of the Laws now in Force for the Relief of the Poor many Difficulties may ariſe in carrying into Execution the good Intents of the ſaid Charter, and that the granting other and further Powers to the ſaid Corporation is requiſite, effectually to anſwer the Purpoſes aforeſaid; **may it pleaſe your Majeſty that it may be enacted; and be it thereforе enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Corporation, called** The Governors and Guardians of the Hoſpital for the Maintenance and Education of expoſed and deſerted young Children, **and their Succeſſors, ſhall have Power by any Inſtrument under their Common Seal to contract for, or to purchaſe any Lands, Tenements, or Hereditaments, provided the ſame do not exceed the Value of Four thouſand Pounds a Year in Fee beyond Repriſes, or to take or purchaſe for any Term or Terms of Years, or as Tenants from Year to Year, or at Will, any Lands or Tenements whatſoever, to hold and enjoy the ſame, and to erect any Houſe or Houſes, Building or Buildings thereon, or to convert any Houſe or Houſes, Building or Buildings, which they ſhall ſo purchaſe or hire for that Purpoſe, to be an Hoſpital or Hoſpitals, for the Reception of ſuch poor and expoſed Children, in ſuch Manner as to the ſaid Corporation ſhall ſeem meet.**

Hoſpital may purchaſe Lands, &c. not exceeding 4000*l. per Ann.*

II. **And be it further enacted by the Authority aforeſaid, That all and every Houſe or Houſes, Lands, Tenements, or Hereditaments, which ſhall at any Time hereafter be purchaſed or hired by the ſaid Corporation, to be uſed or converted into an Hoſpital or Hoſpitals as aforeſaid, or on which any ſuch Hoſpital or Hoſpitals, Houſe or Houſes ſhall be erected, ſhall at any Times hereafter, whilſt ſuch Houſe or Houſes, Lands, Tenements, or Hereditaments ſhall continue in the Poſſeſſion of the ſaid Corporation, be rated and aſſeſſed to all Rates and Aſſeſſments, at ſuch yearly Rents or Value, and in ſuch Proportion, as ſuch Houſe or Houſes, Lands, Tenements, or Hereditaments were rated and aſſeſſed in the Year One thouſand ſeven hundred thirty and nine, and ſhall not at any time hereafter, ſo long as they ſhall continue in the Poſſeſſion of the ſaid Corporation as aforeſaid, be rated or aſſeſſed at any higher Value, notwithſtanding any Improvement which ſhall be hereafter made by the ſaid Corporation of or upon the ſame, by erecting any ſuch Houſe or Houſes, or other Building or Buildings thereon, or by converting any Building or Buildings into ſuch Hoſpital or Hoſpitals, Houſe or Houſes; any Law, Statute, or Uſage to the contrary notwithſtanding.**

Taxes on Lands, &c. not to be raiſed above what was paid in 1739. though improved for the Uſe of the Corporation.

III. **And that the ſaid Corporation may not be prevented from erecting or enjoying ſuch Buildings as may be moſt convenient for the Purpoſes aforeſaid by the Incapacity or Legal Diſability of any Perſon or Perſons to convey, though on Terms which would be for the Benefit and Advantage of ſuch Perſon or Perſons; be it further enacted, That it ſhall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Femes-covert who are or ſhall be ſeized in their own Right, Truſtees and Feoffees in Truſt, Guardians and Committees for Lunaticks and Ideots, Executors, Adminiſtrators, and Guardians whatſoever, not only for or on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their** Ceſtui que **Truſts, whether Infants or Iſſue unborn, Lunaticks, Ideots, Femes-covert, or other Perſon whatſoever, and to and for all and every Perſon and Perſons, who are or ſhall be ſeized or poſſeſſed of, or intereſted in any Lands, Meſſuages, or Tenements, which the ſaid Corporation ſhall judge to be proper to be by them purchaſed or hired, in order to the erecting ſuch Houſe or Houſes, Building or Buildings, as aforeſaid, or to the converting any Houſe or Houſes, Building or Buildings to their Uſe as aforeſaid, to contract for, ſell, convey, or to farm let to the ſaid Corporation, or their Succeſſors, or ſuch Perſons as they ſhall appoint in Truſt for them, all or any ſuch Meſſuages, Lands, Tenements, or Hereditaments, or any Part thereof: Provided, That every ſuch Contract ſo to be made by or on Behalf of any Perſon under any Incapacity to convey, be before it is carried into Execution approved of by the Lord Chancellor, the Lord Keeper, or the Lords Commiſſioners of the Great Seal of** Great Britain, **for the time being, on a Petition or Petitions to him or them exhibited on Behalf of ſuch Perſon or Perſons for that Purpoſe; and the Lord Chancellor, the Lord Keeper, or Lords Commiſſioners of the Great Seal for the time being, are hereby impowered, authorized, and required in a ſummary Way, without any Bill filed, to examine into the Allegations of any ſuch Petition, and to approve or diſapprove of any ſuch Contract, and to give ſuch Direction for the Diſpoſition of the Money ariſing therefrom, as to him or them ſhall ſeem juſt; and that all ſuch Contracts, Agreements, Bargains, Sales, and Conveyances which ſhall be ſo made as aforeſaid, ſhall be good and valid in Law to all Intents and Purpoſes whatſoever, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying, but alſo to convey all Right, Eſtate, Intereſt, Uſe, Property, Claim, and Demand whatſoever, of their ſeveral and reſpective** Ceſtuique **Truſts, whether Infants, or Iſſue unborn, Lunaticks, Ideots, Femes-covert, or other Perſon whatſoever, and all Perſons claiming or to claim by, from, or under them; any Law, Statute, or Uſage, or any other Matter or Thing whatſoever to the contrary thereof in any wiſe notwithſtanding.**

Femes-covert, &c. may ſell Lands or Tenements to the Corporation.

Conveyances to be approved of by the Lord Chancellor, &c.

IV. **Provided always, and be it enacted by the Authority aforeſaid, That all and every Sum and Sums of Money ariſing from or paid by the ſaid Corporation to any Bodies Politick, Corporate, or Collegiate, Corporations aggregate or ſole, Femes-covert who are or ſhall be ſeized in their own Right, Truſtees or Feoffees in Truſt, Guardians or Committees for Lunaticks or Ideots, Executors, Adminiſtrators, or Guardians, as aforeſaid,**

Money paid for Lands or Tenements, to Femes covert, &c. to be laid out in other Lands made liable to the ſame Uſes.

said, as the Consideration or Purchase-money for any Messuages, Lands, Tenements, or Hereditaments for erecting such House or Houses, Building or Buildings for an Hospital or Hospitals for the Reception of such poor and exposed Children, shall be laid out in the Purchase of other Lands, Tenements, and Hereditaments, to be settled to the same Uses, and stand charged with, and liable to the same Charge or Charges, as the Messuages, Lands, Tenements, or Hereditaments so sold and conveyed were settled, liable to and chargeable with; any thing in this Act contained to the contrary notwithstanding.

Corporation to maintain and educate as many Children as they think fit.

V. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Corporation, or any Person or Persons authorized by them, to receive, maintain, and educate all or as many Children as they shall think fit, into or in any Hospital or Hospitals, House or Houses, which shall by the said Corporation be erected, purchased, or hired for such Purposes; and that it shall be lawful for all and every Person whatsoever to bring any Child or Children whatsoever to any such Hospital or House as aforesaid, to the End that such Child or Children may be received, maintained, and educated by the said Corporation therein, in case they shall think proper to receive the same; and

No Churchwarden, &c. to hinder any Persons bringing their Children to the Hospital,

that no Churchwarden, Overseer, or other Person whatsoever, shall by Virtue or Authority of any Law in Being for the Provision or Maintenance of the Poor, or for Bastard Children, stop, molest, or disturb any Person, in bringing such Child or Children to any such Hospital or House as aforesaid, or in returning from the same; and that every Churchwarden, Overseer, or other Person whatsoever, stopping, disturbing, or molesting any such Person or Persons, contrary to the Intent and Meaning hereof, shall forfeit the Sum

on Penalty of 40*s.*

of Forty Shillings for every such Offence; half of which shall be paid to the Informer, and half to the Use of the said Hospital; which Forfeiture shall be levied by Warrant under the Hands and Seals of any Two of His Majesty's Justices of the Peace for the County, Liberty, or Franchise where such Offence shall be committed.

No Parish Officer shall have any Authority in the Hospital.

VI. And be it further enacted by the Authority aforesaid, That no Overseer or Overseers of the Poor, Churchwarden or Churchwardens, or other Officer appointed for the Care and Maintenance of the Poor, shall have or exercise any Power or Authority in any such Hospital or Hospitals, House or Houses, which shall be appointed for the Reception of such poor Children as aforesaid, nor shall have any Authority to enquire concerning the Birth or Settlement of any such Child or Children, who shall be therein maintained and educated, or to place them out Apprentices, or to do any other Act, Matter, or Thing whatsoever within such Hospital or Hospitals, House or Houses, Place or Places, appointed by the said Corporation for the Reception, Maintenance, or Education of such Children as aforesaid, save only to collect or levy such Taxes, as they are or shall be by any Act of Parliament impowered to levy and collect.

No Settlement by being educated in the Hospital.

VII. And be it further enacted, That no Child or Children, Nurse or Nurses, Servant or Servants, received, maintained, educated, or employed within any such Hospital or Hospitals, Place or Places, which shall be built, purchased, hired, or appointed by the said Corporation for the Reception, Maintenance, or Education of such poor Children as aforesaid, shall gain any Settlement in the Parish or Parishes, Place or Places, where such Hospital or Hospitals, House or Houses, Place or Places are situate, by virtue of such their Reception, Continuance, Hiring, or Residence in such Hospital or Hospitals, House or Houses, Place or Places; any Law, Custom, Usage, Matter, or Thing whatsoever to

No Fees due to any Parish for Christenings or Burials.

the contrary thereof in any wise notwithstanding. Nor shall any Mortuary Fee or Reward whatsoever be due or payable to any Rector, Vicar, Curate, Minister, Clerk, Sexton, or other Officer of any Parish or Parishes where such Hospital or Hospitals, House or Houses, Place or Places shall be situate, for or on Account of the Christening, Death, or Burial of any Child or Children, who shall be so maintained and educated by the said Corporation as aforesaid, who shall be christened, die, or be buried during their Continuance under the Care of the said Corporation: And the Offices of Baptism and Burial of all such Children, shall be performed by such Minister or Ministers of the Church of England

Corporation to provide Minister and Burial ground.

as the said Corporation shall agree with and employ for that Purpose; and no other Person or Persons whatsoever shall be obliged to perform the same: And the said Corporation shall provide sufficient Burial-ground for all Children dying under their Care; and shall not be intitled to make use of any Church-yard or Burial-place belonging to the Parishioners of any Parish, for the burying of any such Child or Children.

Persons educated in the Hospital, how to be employed.

VIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Corporation, or any Person or Persons who shall be by them authorized and appointed, to detain and employ in any Sort of Labour or Manufacture, or in the Sea Service, all and every such Child or Children by them so maintained and educated, till such Children shall attain the respective Ages following; that is to say, Until every such Male Child shall attain his Age of Twenty four Years, and every such Female Child shall attain her Age of Twenty one Years, or shall be married; or to bind any such Child or Children Apprentice or Apprentices to any Person or Persons who shall be willing to take the same, or to place them out as Servants, or as Mariners, to any Husbandman, Master, or Captain of a Ship, or other Person whatsoever, till their said respective Ages as aforesaid; and that every such Binding or Hiring shall be as effectual to all Purposes, as if such Child were of full Age, and by Indenture or otherwise had bound or hired themselves.

Children may be let for Hire, to work abroad for the Use of the Hospital.

IX. And further, That it shall be lawful to the said Corporation, or any Person or Persons by them authorized and impowered for that Purpose, at any Time or Times, so long as any Child or Children shall continue to be maintained by the said Corporation, to hire or let out such Child or Children to any Person or Persons who shall desire to contract with the said Corporation, for the Work and Labour of such Child or Children, and to receive and take to the Use of the said Corporation the Profit arising for such their Work and Labour, and to give such reasonable Correction to any such Child or Children for their Idleness, Disobedience, or Misbehaviour, as they shall think proper; and that every such Child or Children shall be under the Direction and Controul of the said Corporation, so long as they shall continue to maintain such Child or Children.

X. And

X. And be it further enacted by the Authority aforesaid, That the President, Vice-presidents, and Treasurer of the said Corporation, shall respectively continue as such, until there shall be others chosen into their respective Offices; and that for that Purpose there shall on the second Wednesday which shall be in the Month of May next, and so on every second Wednesday in the Month of May yearly, for ever, be a general Meeting of the Governors and Guardians of the said Hospital; and that the Governors and Guardians then present shall proceed to the Election of a President, Six Vice-presidents, and a Treasurer; which Election shall be by Ballot, and determined by the Majority of the Votes of the Governors and Guardians present at such Election; and in case it shall happen at any Time or Times hereafter, that the said Election cannot be made or compleated on the second Wednesday in the Month of May next, or in any other Year, that then and as often as it shall so happen, such new Election shall be made within the Space of Forty Days to be computed from such second Wednesday in May; and for that Purpose the Majority of the Governors and Guardians then present shall have Power to adjourn such Meeting to any Day within such Forty Days; Notice of which Adjournment, as also of all other general Meetings, shall be given in the Gazette, and also (in case the said Governors and Guardians present at any Meeting, or the major Part of them shall so direct) in any other publick News-paper, at least Three Days before such general Meeting, whether annual, quarterly, or special. And the Persons elected at such Meeting or Meetings by Ballot as aforesaid by the Majority of the Votes of the Governors and Guardians present at such Meeting, shall be, and are hereby impowered to act as President, Vice-presidents, and Treasurer of the said Corporation for the Year next ensuing such their Election, and till others shall be elected into the said Offices. President, &c. to be chosen annually.

XI. Provided, That when and so often as any Vacancy or Vacancies shall happen by Death of any of the Presidents, Vice-presidents, or Treasurers of the said Corporation, the Governors and Guardians of the said Corporation, or the major Part of them, shall have Power, at the next General or Quarterly Court that shall be kept and held by them after such Vacancy or Vacancies shall happen, to proceed to a new Election of a President, Vice-president, or Treasurer, in the Place of the Person or Persons deceased; all which Elections shall be by way of Ballot, in such Manner as aforesaid: And for the better ordering and managing the Affairs of the said Corporation, be it further enacted, That the Governors and Guardians of the said Corporation for the time being, or the major Part of them, are hereby impowered, at any of the General or Quarterly Courts which shall from time to time be kept and held by them, to choose and appoint One or more Committee or Committees, as Occasion shall require, for transacting such Business, and auditing the Accounts of the said Corporation, and to require the Treasurer, Officers, and Servants of the said Corporation to account at such Times, and in such Manner, as they shall direct, and for such other Purposes as they shall think fit; and at the said General and Quarterly Courts shall have Power to examine, allow, and pass such Accounts, and to make such By-laws as they shall think proper for the better Government of the said Corporation: Provided, That no By-law so made shall have any Force or Effect till approved of by the next Quarterly General Court; and provided also, That the same be not inconsistent with the Laws and Statutes of this Realm. On Death of President, &c. others to be chosen.

XII. Provided always, and it is hereby further enacted by the Authority aforesaid, That none of the Governors and Guardians of the said Corporation, or any of their Successors, who shall hereafter be elected Governors and Guardians of the said Corporation, or any Officers of the said Corporation, shall be obliged to take the Sacrament of the Lord's Supper, or any Oath or Oaths whatsoever, to qualify them to execute the Office of President, Vice-president, Treasurer, or any other Office, or to discharge any Trust relating to the said Corporation; any Statute, Law, Custom, or Usage, to the contrary hereof in any wise whatsoever notwithstanding. Proviso.

XIII. And be it further enacted by the Authority aforesaid, That such of the Governors of the said Corporation for the time being who shall be present at any of the said General Courts or Meetings, or the major Part of them, or any Committee or Committees chosen by the said Corporation, and impowered by them so to do, shall have Power from Time to Time and at all Times to elect, suspend, remove, or displace any Officer or Officers, Servant or Servants belonging to the said Corporation, at their Discretion without any Cause assigned. Governors may remove Officers and Servants at Pleasure.

XIV. And be it further enacted, That in case any inferior Officer or Servant shall refuse to account as aforesaid, or to produce any Papers, Books, Vouchers, or other Effects whatsoever, which he, she, or they shall be intrusted with by or on Account of the said Corporation, that it shall and may be lawful for any Two of His Majesty's Justices of the Peace of the County, Liberty, or Franchise where such Servant shall be found, on Complaint made on the Part of the said Corporation, to commit any such inferior Officer or Servant to the common Gaol of the said County, Liberty, or Franchise, there to remain without Bail or Mainprize, until he or she hath made a true Account, and satisfied and paid so much as upon the said Account shall be remaining in his or her Hands, and has delivered up to the said Corporation such Papers, Books, Vouchers, or other Effects. Servants obliged to account.

XV. And be it further enacted, That this Act shall be a Publick Act, and be so deemed and taken to be, and shall and may in all Cases be given in Evidence on the General Issue, and not be specially pleaded. Publick Act.

CAP. XXX.

An Act for further enlarging the Term granted by an Act of the Ninth and Tenth Years of the Reign of King *William* the Third, *For cleansing and making navigable the Chanel from the Hithe at* Colchester *to* Wivenhoe; and for making the said Act, and another Act of the Fifth Year of the Reign of his late Majesty King *George* the First, *For enlarging the Term granted by the said Act of the Ninth and Tenth Years of the Reign of King* William *the Third*, more effectual.

WHEREAS

Preamble, reciting the Acts 9 & 10 *W.* III. *cap.* 19. and 5 *Geo.* I. *cap.* 31.

WHEREAS an Act paſſed in the Ninth and Tenth Years of the Reign of his late Majeſty King *William* the Third, intituled, *An Act for cleanſing and making navigable the Chanel from the Hithe at* Colcheſter *to* Wivenhoe; which Act was made to continue from the Firſt Day of *May*, One thouſand ſix hundred and ninety eight, for and during the Space of One and twenty Years, during which Term certain Duties were by the ſaid Act laid upon ſuch Goods, Wares, and Merchandizes, for the Purpoſes aforeſaid, as in the ſaid Act are mentioned; upon the Credit of which Act the Mayor of *Colcheſter*, and the Juſtices of the Peace for the Eaſt Diviſion of the County of *Eſſex*, the Commiſſioners therein appointed, had purſuant to the Authority thereby given borrowed Monies for the more ſpeedy and effectual compleating of the ſaid Work; but the ſaid Duties falling ſhort, there had not been ſufficient raiſed thereby, either to perfect the ſaid Work, or to pay the whole Money borrowed for that Purpoſe; and the Sum of One thouſand and two hundred Pounds, or thereabouts, was in the Year One thouſand ſeven hundred and nineteen remaining due to the Executor of *William Hewer*, late of *Clapham*, in the County of *Surrey*, Eſquire, upon Security of the Premiſſes, which could not be repaid, nor the ſaid Chanel be effectually repaired and amended according to the Intent of the ſaid Act, unleſs a further Proviſion was made by Parliament, and the ſaid Act made more effectual: And whereas by an Act paſſed in the Fifth Year of the Reign of his late Majeſty King *George*, intituled, *An Act for enlarging the Time granted by an Act of the Ninth and Tenth Years of King* William, For cleanſing and making navigable the Chanel from the Hithe at *Colcheſter* to *Wivenhoe*, *and for making the ſaid Act more effectual* (reciting as before is recited) it was enacted, That the ſaid former Act, and all the Powers and Authorities thereby given, and all and every the Clauſes, Proviſoes, Matters, and Things therein contained, and not thereby altered, ſhould, for raiſing, levying, collecting, ſecuring of, and accounting for the Rates and Duties thereby granted or continued, and to that End for levying and recovering the Penalties and Forfeitures mentioned in the ſaid former Act, and for other the Purpoſes of that Act, be continued, and be in full Force and Effect from the Firſt Day of *May*, which ſhould be in the Year of our Lord One thouſand ſeven hundred and nineteen (when the ſaid former recited Act would expire) until the Firſt Day of *May*, which ſhould be in the Year of our Lord One thouſand ſeven hundred and forty, being a further Term of Twenty one Years, as fully and effectually to all Intents and Purpoſes, as if the ſame were particularly and at large repeated and re-enacted in the Body of the ſaid laſt recited Act; and it was thereby further enacted, That the Duties granted by virtue of the laſt recited Act ſhould be one Moiety or half Part of the Duties granted by the ſaid former Act, and no more, and all Corn or Grain whatſoever ſhould be wholly exempted: And whereas ſince the paſſing the ſaid laſt recited Act the Money due to the Executor of *William Hewer* has been paid, and the Commiſſioners have erected a very large Lock on the ſaid Chanel, which has been found by Experience to be of very great Uſe and Service to the Navigation thereof; and foraſmuch as the Maintenance and Reparation of the ſaid Lock will be a continual Expence, and the Term in the ſaid laſt recited Act will expire the Firſt Day of *May*, One thouſand ſeven hundred and forty, and the Lock after that Time cannot be ſupported, and the Chanel be kept cleanſed and fit for Navigation, unleſs ſome further Proviſion be made by Parliament for the ſame, and a Power be given to the Commiſſioners to lend on Mortgage, or lay out in the Purchaſe of Lands or otherwiſe, the Sum of Eleven hundred Pounds or thereabouts, which on the Expiration of the ſaid laſt recited Act, after the Charge of paſſing this preſent Act is paid, will be in the Receiver General's Hand, or then due and in Arrear from Perſons that ought to have paid the ſame: **May it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Two recited Acts, and all and every the Powers and Authorities thereby reſpectively given, and all and every the Clauſes, Proviſoes, Matters, and Things therein reſpectively contained, and not hereby altered, ſhall, for recovering, diſpoſing, and applying, raiſing, levying, collecting, and ſecuring of, and accounting for the Duty hereby granted or continued, and the Duties in Arrear and unpaid under the ſaid recited Acts or either of them, and to that End for levying and recovering the Penalties and Forfeitures mentioned in the ſaid recited Acts or either of them,**

The Two recited Acts made perpetual.

and for other the Purpoſes of this Act, be continued, and be in full Force and Effect, from the Firſt Day of May, **which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty, for ever, as fully and effectually to all Intents and Purpoſes, as if the ſame were particularly and at large repeated and re-enacted in the Body of this preſent Act.**

Duty of 3*d.* a Chalder on Coal.

II. **And be it declared and enacted by the Authority aforeſaid, That the Duty granted, and to be raiſed and continued by virtue of this Act, ſhall be Three Pence a Chalder, and no more, for every Chalder of Sea Coal, and ſo after the ſame Rate for any greater or leſs Quantity; which ſaid Duty ſhall continue, and be in full Force and Effect, from the ſaid Firſt Day of** May, **for and during the Space and Term of Forty Years, and no longer; and no other Duty, except the Arrears under the ſaid recited Acts, or either of them, ſhall be raiſed upon any other Goods, Wares, Merchandizes, or Things whatſoever; which ſaid Duty of Three Pence for every Chalder of Sea Coal granted by this Act, and the Duties which are or ſhall be in Arrear under the ſaid recited Acts or either of them, ſhall and may be raiſed and levied by Authority of this Act, and ſued for or recovered in ſuch Manner, and by ſuch Ways and Means, and under ſuch Penalties and Forfeitures, as the Duties granted by the ſaid former Acts or either of them were appointed to be raiſed and levied: And as a further Remedy for the obtaining, ſuing for, and recovering the ſaid**

Duty how levied.

Duty granted by this Act, and the Duties in Arrear, or that ſhall be in Arrear, under the ſaid former recited Acts, or either of them, it ſhall and may be lawful to and for the Mayor and Commonalty of Colcheſter **to ſue for and recover ſuch Duties, or Arrears of Duties, by the former Acts granted, or either of them, of the Proprietor or Proprietors, or of his, her, or their reſpective Executors or Adminiſtrators, of the Goods, Wares, Merchandizes, or Things charged with ſuch Duties or Arrears, by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at** Weſtminſter, **in which no Eſſoign, Privilege, Protection, or Wager of Law ſhall be allowed, nor more than one Imparlance, and in the ſaid Action the ſaid Mayor and Commonalty on Recovery ſhall have full Coſts of Suit.**

III. **And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Commiſſioners hereby appointed, or the major Part of them that ſhall be preſent at any of their Meetings as herein after mentioned, after Payment of the**

Charge

Charge and Expence of obtaining this present Act, which they are hereby authorized and required to pay out of the Monies now remaining in the Hands of the Receiver General, or due or in Arrear as aforesaid, to place or lay out in the Purchase of Lands, or on Mortgage, in the Name of some Trustees to be appointed by them, with proper Powers in such Purchase or Mortgage Deeds to continue the Trust, such Sum or Sums of Money which shall be in the Hands of the Receiver General, on the First Day of May, One thousand seven hundred and forty, and also to place or lay out in like Manner, what shall be due and owing as aforesaid, so soon as the same shall be recovered and received by such Receiver General; so that the Rents and Profits arising out of such Lands, and the Interest of such Mortgage or Mortgages, be applied and disposed of by the said Commissioners, or the major Part of them that shall be present at any of their Meetings as herein after mentioned, in the Support and Maintenance of the said Lock, and cleansing of the said Chanel for ever hereafter, in such Manner as the Commissioners or the major Part of them shall think proper. Directions for improving the Money raised.

IV. And be it further enacted by the Authority aforesaid, That the Mayor, Recorder, Aldermen, and Town-clerk of Colchester for the time being, the Justices of the Peace of the East Division of the said County of Essex for the time being, Matthew Martin, Jacob Houblon, Colonel John Price, Samuel Saville, Charles Gray, Esquires; Benjamin Dyer, George Martyn, Cornelius Bogard, Samuel Todd the elder, Samuel Todd the younger, Philip Havens, Thomas Kendall, Edward Jones, Jeremiah Daniel the younger, William Daniel, Benjamin Burgess, Henry Grigson, William Rought the younger, Jonathan Furley, Francis Freshfield, William Sherman, the Lords of the Manors of Mosswell, Alresford, Wivenhoe, Fingringhoe, and East Donyland for the time being, and the Steward for the time being of the Manor of Fingringhoe, shall be and are hereby appointed Commissioners for putting this and the said former Acts, and all and every of the Powers and Authorities hereby and by the said former Acts given and granted, into Execution. Commissioners Names.

V. And to prevent Damage being done to the Lock or Gates of the said Lock by Persons not having Skill or Judgement in opening and shutting the same; be it further enacted by the Authority aforesaid, That no Person or Persons whatsoever shall at any Time or Times hereafter open or shut the Gates of the said Lock so erected upon the said Chanel as aforesaid, but such Person or Persons only as shall be duly appointed by the Commissioners for the time being, or the major Part of them as shall be present at any of their Meetings as herein after mentioned, on pain of forfeiting to the Mayor and Commonalty of the said Borough of Colchester any Sum not exceeding Ten Pounds of lawful Money of Great Britain, for every time he, she, or they shall so offend; such Forfeitures to be applied towards the Expence of repairing and cleansing the said Lock and Chanel, and to be recovered by the said Mayor and Commonalty by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, together with full Costs of Suit, wherein no Essoign, Protection, Privilege, or Wager of Law shall be allowed, or more than one Imparlance. No Strangers may open the Lock.

VI. And be it further enacted by the Authority aforesaid, That if any Person or Persons, Masters or Owners of any Ship, Vessel, Hoy, Lighter, Boat, or other Craft, or the Owners of any Timber or other Thing whatsoever, shall at any time hereafter, in any Manner howsoever, do any Damage to the said Lock or Gates thereto belonging, or impair, cut, or damnify the same, and shall not forthwith repair and make good such Damage, that then such Person or Persons, Masters and Owners of such Ship, Vessel, Hoy, Lighter, Boat, or other Craft, or the Owners of any Timber or other Thing, doing such Damage as aforesaid, shall be liable to answer double Damages to the Mayor and Commonalty of Colchester, besides Costs of Suit, to be applied in Manner as aforesaid, and to be recovered by Action of Trespass, or upon the Case, in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, Privilege, Wager of Law, or more than one Imparlance shall be allowed. All Damages to the Lock to be made good.

VII. And be it further enacted by the Authority aforesaid, That all the Monies raised by this Act, or the former recited Acts, or either of them, shall be under the Direction and Disposition of the Commissioners by this Act appointed for the Purposes aforesaid. Money raised, shall be disposed of by the Commissioners.

VIII. Provided always, That at all Meetings of the Commissioners for the Purposes of this Act, there shall be present Thirteen Commissioners at the least, Two of which are to be Justices of the Peace of the East Division for the said County of Essex. 13 Commissioners to meet.

IX. And be it further enacted by the Authority aforesaid, That if any of the Commissioners hereby nominated and appointed as aforesaid shall at any time during the Term hereby granted die or remove, and live out of the County of Essex for the Space of One whole Year, or refuse to act in the Trust hereby reposed in them, in every and any such Case so happening it shall and may be lawful from time to time for the surviving Commissioners, or the major Part of them assembled, upon Three Days Notice to be given in the publick Market Place by the Cryer of the said Town by Order of the Mayor for the time being, or in case the Mayor shall neglect or refuse for the Space of Fourteen Days after such Vacancy to give such Order, then by the Order of any Five or more of the said Commissioners, to nominate and appoint by Writing under their Hands and Seals such other Person or Persons living in the said County to be a Commissioner or Commissioners in the Room and instead of him or them so dying, removing out of the said County, or refusing to act, as the said surviving Commissioners for the time being, or the major Part of them present, shall think fit; which said Person or Persons so to be nominated and appointed as aforesaid shall have all such and the same Powers and Authorities, as if they had been named Commissioners in this Act. Directions for chusing Commissioners.

X. And be it further enacted by the Authority aforesaid, That no Person or Persons appointed or to be appointed by this Act a Commissioner or Commissioners for putting the same in Execution shall have or accept of any Place of Profit arising out of or by reason of the Duties by this Act laid or granted, or farm any Quay or Quays within the Limits of this Act, but such Person and Persons shall be incapable from the Time of accepting of such Place of Profit, or so farming any Quay as aforesaid, of acting as a Commissioner or Commissioners. Commissioners not to accept of any Place of Profit.

XI. And

Limitation of Actions. XI. And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be brought or prosecuted against any Person or Persons for any thing done or to be done in pursuance of the said former Acts, or this present Act, every such Action or Suit shall be commenced within Six Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of Essex, and not elsewhere; and the De-
General Issue. fendant or Defendants in such Action or Suit may plead the General Issue, Not Guilty, and give the said former Acts, and this present Act, and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said former Acts, or this present Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought in any other County or Place, then and in such Case or Cases the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the said Plaintiff or Plain-
Treble Costs. tiffs, the Defendant or Defendants shall have treble Costs, upon Affidavit made, or the Certificate of the Judge or Judges before whom such Cause shall be tried, whereby it may appear that such Suit was prosecuted against such Defendant or Defendants for Matters contained in the said former Acts, or this present Act, and shall have such Remedy for the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Publick Act. XII. And be it further enacted by the Authority aforesaid, That this Act shall be adjudged and deemed a publick Act, and be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

At the Parliament begun and holden at *Westminster*, the Fourteenth Day of *January*, *Anno Dom.* 1734, in the Eighth Year of the Reign of our Sovereign Lord *GEORGE* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, &c. And from thence continued by several Prorogations to the Eighteenth Day of *November*, 1740, being the Seventh Session of this present Parliament.

CAP. I.

An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and forty one.

At 4s. *in the Pound. The Act is to the same Effect as* 7 Geo. II. cap. 7. *which see in* Vol. 6.

CAP. II.

An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*; and for granting to His Majesty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*; for the Service of the Year One thousand seven hundred and forty one.

This Act is to the same Effect as 6 Geo. II. cap. 1. *which see in* Vol. 6.

CAP. III.

An Act to prohibit, for a Time therein limited, the Exportation of Corn, Grain (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, and Bacon.

Preamble. WHEREAS the Exportation of any Sort of Corn or Grain (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, or Bacon, out of this Kingdom of *Great Britain*, or from *Ireland*, or any of His Majesty's Colonies or Plantations in *America*, or other the Dominions belonging to the Crown of *Great Britain* in *Europe*, may at this time be greatly prejudicial to His Majesty's Subjects; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and
Corn, &c. not to be exported before 25 *Dec.* 1741. Commons, in this Parliament assembled, and by the Authority of the same, That no Person or Persons whatsoever, at any Time or Times before the Twenty fifth Day of December, One thousand seven hundred and forty one, shall directly or indirectly export, transport, carry, or convey, or cause or procure to be exported, transported, carried, or conveyed, out of or from the said Kingdoms of Great Britain or Ireland, or other the Dominions belonging to the Crown of Great Britain in Europe, or the British Plantations in America, or load or lay on Board, or cause or procure to be laden or laid on Board, in any Ship or other Vessel, or Boat, in order to be exported or carried out of the said Kingdoms, Domi-
Rice excepted. nions, or Plantations, any Sort of Corn or Grain (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, or Bacon, whether the said Commodities shall or shall not be the Produce or Manufacture of, or made in, the respective Countries from whence the same shall be designed to be exported, under the Penalties and Forfeitures here-
Penalty. in after mentioned; that is to say, That all the said Commodities that shall be so exported, shipped, or laid on Board, or loaded to be exported, shipped, or carried out contrary to this Act, shall be forfeited, and that every Offender or Offenders therein shall forfeit the Sum of Twenty Shillings for every Bushel of Corn, Grain, Malt, Meal, or Flour, and Twelve Pence of lawful Money of Great Britain for every Pound Weight of Bread, Biscuit, Starch, Beef, Pork, or Bacon, and so in Proportion for any greater or less Quantity, which shall be so exported, shipped, or put on Board to be exported; and also
The Ship, &c. forfeited. the Ship, Boat, or Vessel upon which any of the said Commodities shall be exported, shipped, or laden to be exported, and all her Guns, Tackle, Apparel, and Furniture shall

be forfeited; the one Moiety of all which Penalties and Forfeitures shall be to the King's Majesty, His Heirs, and Successors, and the other Moiety to him or them that will sue for the same: And for Offences which shall be committed in that Part of Great Britain called England, such Penalties and Forfeitures shall be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, or before the Justices of Assize, or at the great Sessions in Wales, or by Information at any General Quarter-sessions of the Peace for the County, City, Riding, Division, or Place where the Offence shall be committed; and in such Suit, no Essoign, Protection, Privilege, or Wager of Law shall be allowed; and for Offences which shall be committed in that Part of Great Britain called Scotland, by Action or Summary Bill, or Information, in the Courts of Sessions or Exchequer in Scotland; and for Offences which shall be committed in Ireland, in His Majesty's Courts of Record in Dublin, or at the General Quarter-sessions of the Peace for the County, City, or Place where the Offence shall be committed; and for Offences which shall be committed in the Colonies and Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, in the High Court of Admiralty, or in any other chief Court of civil or criminal Jurisdiction, in such respective Colonies, Plantations, or Dominions; and that the Master and Mariners of any such Ship, Boat, or Vessel, wherein any such Offence shall be committed, knowing such Offence, and wittingly and willingly aiding and assisting thereunto, and being thereof duly convicted in any such Courts, as aforesaid, shall have Imprisonment by the Space of Three Months, without Bail or Mainprize.

Penalty, how divided.

Where Penalties to be recovered.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons being an Officer or Officers of the Customs, or being lawfully authorized in this Behalf by the Lord High Treasurer of Great Britain, or the Commissioners of the Treasury for the time being, or any Three or more of them, to take or seize all such of the said Commodities, not allowed to be exported by this Act, or by His Majesty's Royal Proclamation, or such Order of Council, in pursuance of this Act, as he or they shall happen to find, know, or discover to be laid on Board any Ship, or other Vessel, or Boat at Sea, or in any Port, or in any navigable River or Water, to the Intent or Purpose to be exported, transported, or conveyed out of Great Britain, Ireland, or any of the Colonies or Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, contrary to the true Intent of this Act; and also the Ship, Vessel, or Boat in which the same shall be found; and to bring the said Goods to the King's Warehouse or Warehouses belonging to the Custom-house next to the Place where such Seizures shall be made, or to some other safe Place where there are no such Warehouses, in order to be proceeded against according to Law; and in Case of Recovery, to be divided according to the Directions of this Act.

Officers of the Customs impowered to seize,

and bring the Goods to the King's Warehouses.

III. Provided always, That this Act, or any thing therein contained, shall not extend to prohibit the Exportation or carrying out of such or so much of the said Commodities as shall be necessary to be carried in any Ship, or other Vessel or Vessels in their respective Voyages, for the Sustenance, Diet, and Support of the Commanders, Masters, Mariners, Passengers, or others, in the same Ships or Vessels only, or for the victualling or providing any of His Majesty's Ships of War, or other Ships or Vessels in His Majesty's Service, or for his Majesty's Forces, Forts, or Garisons; any thing herein contained to the contrary notwithstanding.

Ships and Passangers may be supply'd for their Voyage.

IV. Provided also, That this Act, or any thing herein contained, shall not extend to prohibit any Person or Persons to ship or put on Board any of the Commodities aforesaid, to be carried Coastwise, that is to say, from any Port, Creek, or Member of the Kingdoms of Great Britain or Ireland, or the British Plantations in America, to any other Port, Creek, or Member of the same respectively, having such or the like Coast-cocquet, or Sufferance for that Purpose, and such or the like sufficient Security being first given for the landing and discharging the same in some other Port, Member, or Creek of the said Kingdoms or Dominions, and returning a Certificate in Six Months, as are required by Law, in Cases where Goods which are liable to pay Duties on Exportation are carried Coastwise from one Port of Great Britain to another, and not otherwise.

Corn, &c. may be carried Coastwise, or to any His Majesty's Plantations.

V. Provided also, That nothing herein contained shall extend to prohibit the exporting Corn from the British Plantations in America to Great Britain or Ireland, or from Great Britain to Ireland, or from Ireland to Great Britain; so as the like Security be given for the exporting the same, and for returning Certificates of the landing thereof, within the Times herein after for that Purpose mentioned, as are required by this Act for exporting any of the said Commodities to any of the British Colonies in America.

Corn Trade to remain between *Great Britain* and *Ireland*;

VI. Provided also, That this Act, or any thing therein contained, shall not extend to any of the said Commodities which shall be exported, or shipped to be exported out of or from any the Ports of the Kingdoms of Great Britain or Ireland, or the British Plantations in America, to the Island of Minorca, or to Gibraltar, or to the British Forts, Castles, and Factories in Africa, or unto any of His Majesty's Islands or Colonies in America, that have usually been supplied with any of the said Commodities from the said Kingdoms or Plantations, for the Sustentation of the Inhabitants of the said Islands or Colonies, Forts, Castles, Factories, or Dominions, or for the Benefit of the British Fishery in those Parts only, so as the Exporter do, before the shipping or laying on Board the same, declare the Island or Colony, Fort, Castle, Factory, or Dominion, Islands or Colonies, Forts, Castles, Factories, or Dominions, for which the said Commodities are respectively designed, and do become bound, with other sufficient Security, in treble the Value thereof, to the Commissioners or chief Officers of His Majesty's Customs, or the naval Officer, or some other principal Officer belonging to the Port or Place where the same shall be shipped or put on Board (who have hereby Power to take such Security in His Majesty's Name and to His Majesty's Use) that such Commodities shall not be landed or sold in any

and to the *American* Plantations, &c.

on giving Security.

Parts whatsoever, other than the Kingdoms, Dominions, Islands, or Colonies, Forts, Castles, or Factories, for which the same shall be so declared; and that a Certificate, under the Hands and Seals of the Collector, Comptroller, or other chief Officer of the Customs; or if no such, of the naval Officer, or some other principal Officer of the Port, where the same shall be landed; shall within the respective Times herein after for that Purpose mentioned (the Danger of the Seas excepted) be returned to the Officers who took the said Bonds, that the said Provisions have been landed at the Port or Place for which the same shall be so declared; and for the taking of such Security, and giving such Certificates (which the respective Officers aforesaid are hereby on Demand required to give) no Fee or Reward shall be demanded or received: And if any Officer shall make any false Certificate of any such Commodities being so landed, such Officer shall forfeit the Sum of Two hundred Pounds, and lose his Employment, and be incapable of serving His Majesty, His Heirs, or Successors, in any Office relating to the Customs: And if any Person shall counterfeit, raze, or falsify any such Certificate, or knowingly publish any such counterfeit, razed, or false Certificate, he shall forfeit the Sum of Two hundred Pounds, and such Certificate shall be void and of none Effect; which said Penalties shall be recovered in the same Courts, and in the same Manner as the other Penalties inflicted by this Act are recoverable, and shall be divided into equal Moieties between His Majesty and the Informer, and the said Bond or Bonds, if not prosecuted within Three Years, shall be void.

India Company may supply their Settlements.

VII. Provided also, That nothing herein contained, shall extend to prohibit the united Company of Merchants of England trading to the East Indies, from exporting any of the said Commodities to any of their Forts, Factories, or Settlements, for the Support of the Persons residing there, so as the like Security be given for the exporting thereof, as is required by this Act to be given by Persons carrying any of the said Commodities to the British Colonies in America.

Wheat, &c. may be sent from the Port of *Southampton*, to the Isles of *Jersey* and *Guernsey*.

VIII. Provided also, That this Act, or any thing therein contained, shall not extend to any Wheat, Malt, or Barley to be transported out of or from the Port of Southampton only, unto the Islands of Jersey and Guernsey, or either of them, for the only Use of the Inhabitants of those Islands, so as the Exporter before the lading of such Wheat, Malt, or Barley, or laying the same on Board, do become bound with other sufficient Security (which the Customer or Comptroller of the same Port hath hereby Power to take in His Majesty's Name, and to His Majesty's Use, and for which Security no Fee or Reward shall be given or taken) that such Wheat, Malt, or Barley, shall be landed in the said Islands of Jersey and Guernsey, or one of them (the Danger of the Seas only excepted) for the Use of the Inhabitants there, and shall not be landed or sold in any other Parts whatsoever, and to return the like Certificates of the landing the same there, as are herein before required, on the Exportation of the said Commodities to the British Colonies in America, and within the Time for that Purpose herein after mentioned, and so as the Quantity of Wheat, Malt, and Barley, which, at any Time or Times after the First Day of December, One thousand seven hundred and forty, and before the Twenty fifth Day of December, One thousand seven hundred and forty one, shall be shipped at the said Port for Jersey and Guernsey, or either of them, as aforesaid, do not exceed in the whole Five thousand Quarters; any thing herein contained to the contrary notwithstanding.

Jamaica may transport to the Bays of *Honduras* and *Campeachy*.

IX. And be it enacted, That the Governor or Commander in Chief of His Majesty's Island of Jamaica, shall be, and is hereby impowered to grant Licences until the said Twenty fifth Day of December, to any Person or Persons of known Credit and Reputation, to export out of the said Island Beef, Pork, Flour, Bread, or Biscuit, to the Bay of Honduras, and to the Bay of Campeachy, or either of them, not exceeding Sixty Barrels in the whole of the said Provisions before mentioned in any one Ship or Vessel, over and above the necessary Provisions for the Ship's Company for the Voyage, and computing Two hundred Weight to each Barrel: Provided nevertheless, the Person to whom such Licence shall be granted, shall, before his lading or shipping such Provisions, give an account in Writing to the Naval Officer of the said Island, of the Marks, Number of Barrels, and the Species of the said Provisions intended to be shipped or exported to the said Bays of Honduras or Campeachy, with the Name of the Ship or Vessel, and the Master; and likewise enter into, and give Bond to His Majesty, His Heirs, and Successors, with one or more sufficient Security or Securities, in the penal Sum of Five hundred Pounds Sterling Money of Great Britain, that the said Provisions are to be exported to, and to be disposed for the Sustenance of His Majesty's Subjects in the said Bays; and that no Part of the same shall be disposed of to the Subjects of any other Prince or State; and that upon the Arrival of the said Ship or Vessel in any of His Majesty's Dominions, the Master of the said Ship or Vessel, and his Mates, or Two other Officers of the Ship or Vessel, shall make Oath before the Naval or any Chief Officer of His Majesty's Customs, how and in what Manner, and to whom the said Provisions were sold or disposed, and shall return a Certificate of the same under the Hand and Seal of such Officer, within Twelve Kalendar Months after; which said Certificate shall be a full Discharge or Acquittance of the said Bond.

To give Account in Parliament.

X. And be it further enacted by the Authority aforesaid, That the Commissioners of the Customs for the time being, shall and they are hereby required to give a full and true Account in Writing, to both Houses of Parliament, at the Beginning of the next Session thereof, of all Corn, Grain, Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, and Bacon, that shall before that Time be exported to any Place whatsoever, by virtue or in pursuance of any of the Liberties or Powers hereby given or granted for that Purpose.

XI. Provided, That nothing in this Act contained shall extend to any Malt declared or made for Exportation, on or before the Sixth Day of December, One thousand seven hundred and forty, which shall be exported; provided the Proprietor or Proprietors thereof shall

shall produce to the Collector or chief Officer of the Port, where such Malt shall be exported, a Certificate or Certificates from the Officer or Officers with whom the Entry of the Corn intended to be made into such Malt for Exportation shall have been made, that the said Malt was actually declared or made for Exportation, on or before the said Sixth Day of December; nor to any other of the Commodities aforesaid, which shall be cleared out of any Custom-house within Great Britain before the Twenty fifth Day of December, One thousand seven hundred and forty, or at any Custom-house in the Kingdom of Ireland before the Tenth Day of January, One thousand seven hundred and forty, or in any of His Majesty's Plantations in America, or in any of the Dominions belonging to the Crown of Great Britain in Europe, before the Twenty fifth Day of March, One thousand seven hundred and forty one, but that such Ships and Vessels shall be permitted to proceed on their Voyages; any thing herein contained to the contrary in any wise notwithstanding.

Malt declared to be made for Exportation before *Dec.* 6. 1740, to be allowed.

XII. Provided always, and be it enacted by the Authority aforesaid, That in case His Majesty, at any time or times before the Twenty fifth Day of December, One thousand seven hundred and forty one, shall (in His Royal Discretion) judge it to be most for the Benefit and Advantage of this Kingdom, to permit the Exportation of Corn, and other the Commodities aforesaid, or any of them, that then it shall and may be lawful to and for His Majesty, by His Royal Proclamation or Proclamations to be issued, by and with the Advice of his Privy Council, or by His Majesty's Order in Council to be published in the London Gazette, from time to time to permit and suffer all and every Person and Persons, Natives and Foreigners (but not any particular Person or Persons) at any time or times before the Twenty fifth Day of December, One thousand seven hundred and forty one, to export or carry out of the Kingdoms of Great Britain or Ireland, or the British Plantations in America, or other the Dominions belonging to the Crown of Great Britain in Europe, or out of all or any of them, all or any of the Commodities aforesaid, to all or any other Places, and upon or without giving Security for the landing thereof in such Places, and returning Certificates of such landing, as to His Majesty shall seem meet, and as in such Proclamation or Proclamations, or such Orders of Council to be published in the London Gazette, shall be expressed and declared; any thing herein contained to the contrary notwithstanding.

His Majesty may grant Power to export the said Commodities.

XIII. And be it further enacted by the Authority aforesaid, That all Certificates of the landing and discharging of Provisions to be exported, other than Coastwise, shall be returned within the respective times following; that is to say, Where the Bonds are taken in any of the Colonies or Islands in America in respect of any of the aforesaid Commodities to be exported to any other of the Colonies or Islands in America, within Twelve Kalendar Months after the Dates of the Bonds; and in respect of the said Commodities to be exported to Great Britain or Ireland, within Eighteen Kalendar Months after the Date of such Bonds; and where in respect of the said Commodities to be exported from Great Britain to any of the said Colonies or Plantations in America, within Eighteen Kalendar Months after the Date of the said Bonds; and where to Port Mahon or Gibraltar within Twelve Kalendar Months after the Date of such Bonds; and where to the Islands of Guernsey or Jersey within Six Kalendar Months after the Date of such Bonds; and where from Great Britain to Ireland within Six Kalendar Months after the Date of such Bonds; and where from Ireland to Great Britain, within Six Kalendar Months after the Date of such Bonds.

When Certificates of landing Corn, &c. shall be returned.

CAP. IV.

An Act to impower *Joseph Porter*, *James Bourdieu*, and *Abraham Desmarette*, to import a certain Quantity of Raw Silk of the Growth of *Spain* from *Leghorn*.

WHEREAS by an Act made and passed in the Thirteenth Year of the Reign of His present Majesty, intituled, *An Act for prohibiting Commerce with* Spain; it was, amongst other Things, enacted, That from and after the First Day of *June*, One thousand seven hundred and forty, no Wines or Fruit of any Sort, nor Wooll, Iron, Drugs, or Grocery Wares, Skins, or any other Goods or Commodities whatsoever of the Growth, Product, or Manufacture of any of the Kingdoms, Dominions, Islands, or Territories of the King of *Spain*, commonly called *Old Spain*, lying or being in *Europe*, or of the Islands commonly called *The Canary Islands*, belonging to the said King of *Spain* (except such Goods as should be *bona fide* taken and condemned as lawful Prize in any Court of Admiralty, or ordered by any such Court before Condemnation to be sold as perishable, wherein the said Court is thereby directed to proceed in the same Manner as at any Time before the making the said Act) should, during the present War with *Spain*, be imported in any Ship or Vessel whatsoever, into any Haven, Port, Creek, or other Place whatsoever in the Kingdoms of *Great Britain* or *Ireland*, or Isles of *Jersey*, *Guernsey*, *Alderney*, *Sark*, Isle of *Man*, or *Minorca*, or the Town or Port of *Gibraltar*, from any Port or Place whatsoever, either mixed or unmixed with any Commodities of the Growth or Product of any other Nation, Place, or Country whatsoever, under the Penalty of the Forfeiture of all such Goods and Commodities, and treble the Value thereof, and of the Ship or Vessel in which they should be imported, with all her Guns, Tackle, Furniture, Ammunition, and Apparel, to be prosecuted and divided in the Manner therein after mentioned: And whereas *Joseph Porter*, *James Bourdieu*, and *Abraham Desmarette*, of *London*, Merchants, had before the late Declaration of War with *Spain* bought and paid for several Parcels of Raw Silk of the Growth of *Old Spain*, being of the Weight of Twelve thousand five hundred *Spanish* Pounds, and of the Value of Five thousand six hundred Pounds Sterling and upwards, with the Intent that the same should be imported into, and manufactured in this Kingdom; and the said Silks being one of the several Species of Commodities that before the said Declaration of War were prohibited by the Court of *Spain*, to be exported into any other Country, and consequently liable to be seized and confiscated to the Use of the King of *Spain*, the same, or the greatest Part thereof, was with great Hazard and Difficulty conveyed from *Spain* to *Marseilles*, and from thence to the Port

Preamble, reciting the Act 13 *Geo.* II. *cap.* 27.

of *Leghorn*, where the ſame now remains, and could not be imported into this Kingdom within the Time limited in the ſaid Act: And whereas the Importation of the ſaid Silk will be of great Advantage to the Manufacturers here, who are now in want of that Commodity, *&c.*

CAP. V.

An Act for making the Chapelry of *Nether Knutsford*, in the Pariſh of *Roſthern*, and County of *Cheſter*, a ſeparate and diſtinct Pariſh; and for erecting a Pariſh Church therein, endowing the ſame, ſettling the Right of Preſentation thereto, and other Purpoſes.

Preamble. WHEREAS the Pariſh of *Roſthern*, in the County of *Cheſter*, is of large Extent, and very populous, and compriſes or conſiſts of ſeveral Townſhips or Hamlets, many of which lie at a conſiderable Diſtance from the Pariſh Church: And whereas there is an ancient Parochial Chapel, ſituate in the Townſhip of *Nether Knutsford*, within the Pariſh of *Roſthern* aforeſaid, the Miniſter or Curate whereof has the Cure of Souls within the ſeveral Townſhips or Hamlets of *Nether Knutsford*, *Over Knutsford*, *Ollerton*, *Toft*, and *Bexton*, in the ſaid Pariſh of *Roſthern:* And whereas the Dean and Chapter of the Cathedral Church of *Chriſt*, in *Oxford*, of the Foundation of King *Henry* the Eighth, are Appropriators of the Rectory of *Roſthern* aforeſaid, and are intitled to all the Glebe Lands and Tithes lying, growing, ariſing, or renewing within the ſaid Pariſh; and *George Venables Vernon*, Eſquire, is Patron of the Vicarage; and *Robert Frodſham*, Clerk, is Vicar of the Pariſh Church of *Roſthern* aforeſaid; and *James Robinſon*, Clerk, is the preſent Miniſter or Curate of the ſaid Parochial Chapel of *Nether Knutsford:* And whereas the Right of Nomination of a Miniſter or Curate to the ſaid Parochial Chapel is claimed, as well by the Vicar of the ſaid Pariſh of *Roſthern*, as by the principal Inhabitants of the ſeveral Townſhips or Hamlets of *Nether Knutsford*, *Over Knutsford*, *Ollerton*, *Toft*, and *Bexton* aforeſaid, who have uſually contributed towards the Maintenance and Support of ſuch Miniſter or Curate for the time being, the Predeceſſors of the ſaid *James Robinſon* being intitled to no certain Maintenance or Proviſion, except the yearly Stipend of Five Pounds, ſix Shillings, and eight Pence, paid by the Vicar of the Pariſh Church of *Roſthern* aforeſaid, to the Miniſter or Curate of the ſaid Parochial Chapel for the time being: And whereas ſince the ſaid *James Robinſon* became Miniſter or Curate of the ſaid Chapel, a Meſſuage or Dwelling-houſe, with convenient Out-houſes, Offices, and Gardens thereto belonging, ſituate and being in *Nether Knutsford* aforeſaid, hath been deviſed, ſettled, and aſſured unto, and to the Uſe of the Miniſter officiating at *Nether Knutsford* aforeſaid, and his Succeſſors for ever; and the ſaid *James Robinſon* is now in Poſſeſſion of the ſame, and divers Legacies, Donations, and Sums of Money, now amounting in the whole to the Sum of Three hundred Pounds, or thereabouts, have been given and directed to be placed out at Intereſt, and applied for the Uſe and Benefit of the Miniſter or Curate of *Nether Knutsford* aforeſaid, and his Succeſſors for ever: And whereas the ſaid Parochial Chapel hath, for Time out of Mind, been repaired by or at the Expence of the Inhabitants and Land Owners of and in the ſaid Chapelry, who have immemorially been exempt from the Repairs of, or Church Rates for, the Pariſh Church of *Roſthern* aforeſaid; and the Chancel of the ſaid Parochial Chapel hath, for Time immemorial, been repaired by the Owners of the ſaid appropriate Rectory, who have alſo at their own Expence provided Wine for the Celebration of the Sacrament of the Lord's Supper in the ſaid Parochial Chapel at *Eaſter* yearly: And whereas the ſaid Parochial Chapel is not only inconveniently ſituate for the Inhabitants of the ſaid Chapelry, but the ſame and the Chancel thereto belonging are and for ſeveral Years laſt paſt have been ſo much out of Repair, that the Inhabitants of the ſaid Chapelry could not, nor can aſſemble therein for the Celebration of Divine Service, but have been and are obliged to aſſemble in an ancient publick Building within the Market Town of *Nether Knutsford* aforeſaid, which hath been uſually repaired by and at the ſole Expence of the Inhabitants and Land Owners of and in the ſaid Townſhip of *Nether Knutsford:* And whereas there is an ancient publick School ſituate in *Nether Knutsford* aforeſaid adjoining to the ſaid Building, which has immemorially been repaired by the Conſtables of that Townſhip at the Expence of the Inhabitants and Land Owners of and in the ſame; and the Maſter thereof has been nominated and appointed by *Thomas Legh*, Eſquire, and his Anceſtors, Owners of *Norbury Booths* in the Townſhip of *Over Knutsford* aforeſaid, who have immemorially paid to ſuch Maſter the yearly Stipend or Sum of Five Pounds, ſix Shillings, and eight Pence; and ſeveral Donations, and Sums of Money, have been given and directed to be applied as an Augmentation to the Salary or Stipend of the ſaid Schoolmaſter, which now amount in the whole to the Sum of One hundred Pounds, or thereabouts: And whereas the ſaid Dean and Chapter of *Chriſt Church*, Owners of the appropriate Rectory, the ſaid *George Venables Vernon*, Patron of the Vicarage, and the ſaid *Robert Frodſham*, Vicar of the Pariſh Church of *Roſthern* aforeſaid, the ſaid *James Robinſon*, Miniſter or Curate, and *John Chetham*, *John Skellorn*, *Samuel Johnſon*, and *Edward Fellows*, the preſent Chapelwardens of the ſaid Parochial Chapel of *Nether Knutsford*, the ſaid *Thomas Legh*, Lord of the Manor of *Over Knutsford* aforeſaid, *Samuel Egerton* Eſquire, Lord of the ſeveral Manors of *Nether Knutsford* and *Ollerton* aforeſaid, *Ralph Leyceſter* Eſquire, Lord of the Manor of *Toft* aforeſaid, and *William Houlton* Eſquire, Truſtee for *William Dukinfield* Eſquire, an Infant, Lord of the Manor of *Bexton* aforeſaid, and the principal Freeholders and Inhabitants within the ſaid Chapelry, are willing and deſirous that the ſaid Chapelry may be made a ſeparate and diſtinct Pariſh from the reſt of the Pariſh of *Roſthern* aforeſaid, to compriſe and conſiſt of the ſeveral Manors, Townſhips, or Hamlets of *Nether Knutsford*, *Over Knutsford*, *Ollerton*, *Toft*, and *Bexton* aforeſaid; and that a Church may be erected for the Celebration of Divine Service in a proper and convenient Place, within the ſaid Chapelry or intended Pariſh, at the Expence of the Inhabitants and Land Owners of and in the ſame, and a competent Proviſion made for the Maintenance and Support of the Miniſter of the ſaid intended Church for the time being; and that the Right of Preſentation to the ſaid intended Church may be ſettled and eſtabliſhed; and that the ſaid ancient Building where Divine Service is now performed, and the School thereto adjoining, may be taken down, and a new School erected in the Place thereof, at the Expence of the Inhabitants and Land Owners of and in the ſaid Townſhip of *Nether Knutsford*, *&c.*

CAP. VI.

An Act to render the Laws more effectual for preventing the ſtealing and deſtroying of Sheep, and other Cattle.

Explain Preamble. by 15 & 16. G. 2. fol. 743.

Preamble. WHEREAS divers evil-diſpoſed Perſons have of late more generally and frequently than was ever known before, made it their Practices ſecretly in the Night-time to drive away and ſteal great Numbers of Sheep, and likewiſe ſecretly in the Night-time to kill great Numbers of Sheep, and to ſtrip off their Skins, and then ſteal the Carcaſſes of the Sheep ſo killed, leaving their Skins behind to prevent Diſcoveries; and

and alſo in like Manner to kill great Numbers of Sheep, and then cut open the Sheep ſo killed, and take out and ſteal their inward Fat, leaving their Carcaſſes behind to prevent being diſcovered; by which wicked Practices many of His Majeſty's good Subjects have been very greatly injured in their Properties, and put to very great Charges in having their Sheep and other Cattle watched: And whereas the Laws in Being have not proved effectual to prevent the Increaſe of the ſaid wicked Practices; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That if any Perſon or Perſons ſhall at any time from and after the First Day of May, in the Year of our Lord One thouſand ſeven hundred and forty one, feloniouſly drive away, or in any other Manner feloniouſly ſteal One or more Sheep or other Cattle of any other Perſon or Perſons whatſoever, or ſhall wilfully kill One or more Sheep or other Cattle of any other Perſon or Perſons whatſoever, with a felonious Intent to ſteal the whole Carcaſe or Carcaſes, or any Part or Parts of the Carcaſe or Carcaſes of any One or more Sheep or other Cattle that ſhall be ſo killed, or ſhall aſſiſt or aid any Perſon or Perſons to commit any ſuch Offence or Offences; that then the Perſon or Perſons guilty of any ſuch Offence, being thereof convicted in due Form of Law, ſhall be adjudged guilty of Felony, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy. Sheep-ſtealing, or ſtealing any Part of them, made Felony, without Benefit of Clergy.

II. And for the Encouragement of ſuch Perſons as ſhall vigorouſly endeavour to diſcover, apprehend, and proſecute ſuch Offenders as aforeſaid; be it further enacted by the Authority aforeſaid, That from and after the First Day of May, One thouſand ſeven hundred and forty one, all and every Perſon and Perſons, who ſhall apprehend and proſecute to Conviction, any Offender or Offenders guilty of any of the Offences herein before mentioned, ſhall have and receive, as a Reward upon every ſuch Conviction, the Sum of Ten Pounds, to be paid within one Month after ſuch reſpective Conviction, by the Sheriff or Sheriffs of the County where ſuch Offence or Offences ſhall be committed and done (without any Deduction whatſoever) to the Perſon or Perſons ſo apprehending and proſecuting ſuch Offender or Offenders, he or they tendering a Certificate to the Sheriff or Sheriffs, ſigned by the Judge or Judges, before whom any ſuch Offender ſhall be convicted, certifying ſuch Conviction, and where the Offence was committed, and that ſuch Offender or Offenders was or were apprehended and proſecuted by the Perſon or Perſons claiming the ſaid Reward; which Certificate the ſaid Judge or Judges are hereby authorized and required to ſign accordingly, before the End of the ſame Seſſions or Aſſizes, at which ſuch reſpective Conviction ſhall happen to be; and in ſuch Certificate ſhall direct and appoint (in caſe more than one Perſon ſhall claim a Right to the ſaid Reward) what Share and Proportion thereof ſhall be paid to each Claimant; and if it ſhall happen that any ſuch Sheriff or Sheriffs ſhall die or be removed before the Expiration of one Month after ſuch Conviction, and Demand made of the ſaid Reward (the ſame not being paid as aforeſaid) that then the next ſucceeding Sheriff or Sheriffs ſhall pay the ſame within one Month after Demand, and Certificate brought as aforeſaid; and if Default of Payment of the ſaid Sum or Sums of Money ſhall happen to be made by any Sheriff or Sheriffs, ſuch Sheriff or Sheriffs ſo making Default ſhall forfeit to the Perſon or Perſons, to whom ſuch Money is due as aforeſaid, double the Sum or Sums of Money he or they ought to have paid, to be recovered by him or them, or his or their Executors or Adminiſtrators, in any of His Majeſty's Courts of Record at Weſtminſter, by Action of Debt, Bill, Plaint, or Information, wherein but one Imparlance, and no Eſſoign, Protection, or Wager of Law ſhall be allowed, with treble Coſts of Suit, by him or them expended in the Recovery of the ſame. Reward for taking and convicting ſheep-ſtealers. Sheriff on Default of Payment, to forfeit double the Sum. Treble Coſts.

III. And be it further enacted by the Authority aforeſaid, That all Sheriffs, their Executors and Adminiſtrators, upon producing ſuch reſpective Certificates, and the Receipts for the Monies paid by them in purſuance of this Act, ſhall be allowed, and are hereby impowered to deduct, upon their Accounts, all Monies, other than double the Sum or Sums of Money and treble Coſts of Suit, which they ſhall diſburſe as aforeſaid; and that if upon Account of any Sheriff or Sheriffs there ſhall not be Money ſufficient in the Hands of ſuch Sheriff or Sheriffs, to reimburſe him or them ſuch Monies paid by him or them by virtue of this Act, that then the Sheriff or Sheriffs, having ſo paid the ſaid Monies, ſhall have the ſame repaid by the Lord Treaſurer or Commiſſioners of His Majeſty's Treaſury for the time being, out of the Revenue of the Crown, upon Certificate from the Clerk of the Pipe to that Effect. Sheriffs how to be repaid.

CAP. VII.

An Act for licenſing the Importation of Victual from *Ireland*, and other Parts beyond the Seas into *Scotland*, in time of Dearth and Scarcity.

WHEREAS by the Ninth Act paſſed in the Parliament of *Scotland*, holden by her late Majeſty Queen *Anne*, in the Year One thouſand ſeven hundred and three, intituled, *An Act diſcharging Importation of* Iriſh *Victual*, *Beef*, *and Cattle*, the Importation of Victual from *Ireland* or any other Places beyond the Seas into *Scotland*, and the buying, ſelling, and retailing the ſame, were reſtrained and prohibited under ſeveral Penalties mentioned and contained in the ſaid Act, and in ſeveral former Acts of the Parliament of *Scotland* therein mentioned and referred to, and thereby ratified and approved, with this Proviſo, that when by Reaſon of Dearth the Prices of Victual ſhould exceed the following Rates; *viz.* Wheat Twelve Pounds the Bole, Bear, Barley, Malt, and Meal, Eight Pounds *per* Bole, and Oats and Peas, Six Pounds the Bole, the Lords of her Majeſty's Privy Council ſhould have Power, after due Trial by them taken, to ſuſpend and diſcharge the Execution of the ſaid Prohibitory Acts for ſuch Space and Time as the Exigence of the ſaid Dearth ſhall require, and no longer: And whereas by the Sixth Article of the Treaty of Union it is ſtipulated, agreed, and provided, That the Prohibition as then in Force by the Law of *Scotland* againſt Importation of Victual from *Ireland*, or any other Place beyond Sea into *Scotland*, ſhould after the Union remain in the ſame Force as it then was, until more proper and effectual Ways ſhould be provided by the Parliament of *Great Britain* for diſcouraging the Importation of the ſaid Victual from beyond the Sea: And whereas by an Act made and paſſed in the Firſt Parliament of *Great Britain*, in the Sixth Year of the Reign of her ſaid late Majeſty Queen *Anne*, Preamble.

Anne, intituled, *An Act for rendering the Union of the Two Kingdoms more intire and compleat*; it was enacted, That from and after the First Day of *May*, in the Year of our Lord One thouſand ſeven hundred and eight, the Queen's Majeſty, her Heirs, and Succeſſors, ſhall have but one Privy Council in or for the Kingdom of *Great Britain*, to be ſworn to her Majeſty, her Heirs, and Succeſſors, as Sovereigns of *Great Britain*, and that ſuch Privy Council ſhould have the ſame Powers and Authorities, as the Privy Council of *England* lawfully had, uſed, and exerciſed at the Time of the Union, and no other, by Means whereof the Power of ſuſpending the ſaid Laws prohibiting the Importation of Victual into *Scotland*, cannot in any Time of Dearth and Scarcity, or on any other Exigency, be exerciſed and put in Execution, which may be of dangerous and pernicious Conſequence to His Majeſty's Subjects of that Part of *Great Britain*: Wherefore, for preventing and providing againſt the ſame, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Power of ſuſpending and diſcharging the Execution of the ſaid Prohibitory Laws, which in and by the ſaid Act of her late Majeſty Queen Anne, paſſed in the Year One thouſand ſeven hundred and three, in the Parliament of Scotland, was veſted in the Lords of the Privy Council, ſhall, from and after the Twenty fifth Day of March, One thouſand ſeven hundred and forty one, be veſted in, and the ſame is hereby from thenceforth veſted in the Judges of the Courts of Seſſion, Juſticiary, and Exchequer, in Scotland, in Manner following; and any Nine of the ſaid Judges in Time of Seſſion, and any Five of them in the Time of Vacance, ſhall and may, and they are hereby reſpectively authorized and required to exerciſe and execute the ſaid Power of Suſpenſion, in as full, ample, and extenſive Manner, as the Lords of the Privy Council of Scotland might or could have exerciſed and executed the ſame, before the ſaid Act of the Sixth of Queen Anne, for rendering the Union of the Two Kingdoms more compleat, ſubject nevertheleſs to the Rules and Directions of this preſent Act: And for the aſcertaining and determining the Prices of Victual, in order to authorize and warrant the Suſpenſion of the ſaid Prohibitory Laws, according to the Tenor and Intention of the ſaid Acts of the Parliament of Scotland, containing ſuch Proviſo for Suſpenſion; be it enacted by the Authority aforeſaid, That from and after the ſaid Twenty fifth Day of March, One thouſand ſeven hundred and forty one, in any Time of Scarcity and Dearth, it ſhall and may be lawful for any Perſon or Perſons deſirous to import Victual from Ireland or other Parts beyond the Seas, into Scotland, to apply by a ſummary Petition to the Judges of the Court of Seſſion, for Licence to import ſuch Victual from Ireland or other Parts beyond the Seas into Scotland; and the ſaid Judges are hereby authorized and required immediately, upon ſuch Petition to make Intimation thereof, by tranſmitting a fair Copy of the ſame, to the Clerk of the Peace for every Sheriffdom or Stewartry of Scotland, and to aſſign and appoint a Time not exceeding Fifteen Days from the Time of ſuch Application, for hearing and examining the Proofs and Evidence herein after directed to be had and taken, concerning the Premiſſes; and in caſe ſuch Application ſhall be made in Time of Vacance, then it ſhall and may be lawful to and for ſuch Perſon or Perſons to apply, during ſuch Vacance, by a ſummary Petition to the Judge of the Court of Seſſion who ſhall ſit upon the Bills, for ſuch Licence for Importation as aforeſaid, who is hereby authorized and required, upon ſuch Petition, to make Intimation as aforeſaid, and to aſſign and appoint a Time, not exceeding Twenty Days from the Time of ſuch Application, for the hearing and examining the Proofs and Evidence concerning the Premiſſes, and to ſignify to the other Judges of the ſaid reſpective Courts the Tenor and Purport of ſuch Application, and the Time appointed for ſuch Hearing and Examination thereupon as aforeſaid; and the ſaid Judges, or any Nine of them in Time of Seſſion, and any Five of them in Time of Vacance reſpectively, are hereby authorized and required to ſummon and convene before them within the Seſſion Court-houſe at Edinburgh on the Day to be aſſigned and appointed, Two or more honeſt and ſubſtantial Perſons, of the County of Edinburgh, not being Corn Merchants nor Factors for Corn, nor any way intereſted or concerned in any Corn to be imported, and who ſhall each of them have and be in Poſſeſſion of a Land Eſtate of Four hundred Pounds Scots per Annum of valued Rent, and being ſkilful in the Price of Corn, and then and there upon the Oaths of ſuch Two or more Perſons (and which Oath the ſaid Judges or any Five of them are hereby impowered to adminiſter) and by ſuch other Ways and Means as to them ſhall ſeem proper and neceſſary, to examine, enquire into, and determine the common Market Prices of middling Corn and Grain, and Oatmeal, of the reſpective Sorts and Kinds above mentioned, as the ſame ſhall and may be commonly bought in the ſaid County and City of Edinburgh, and to fix and aſcertain the ſame by a proper Act or Determination, to be ſubſcribed under the Hand of One of the principal Clerks of Seſſion, an authentick Copy of which Judgement and Determination ſhall be tranſmitted from the ſaid Judges to the chief Officer or Collector of the Cuſtoms at the Port of Leith for the time being, and ſhall be by ſuch chief Officer or Collector kept and hung up in the Cuſtom-houſe at Leith, and there be Patent to all and every Perſon and Perſons who ſhall deſire to inſpect the ſame, and ſhall and may be ſeen and inſpected accordingly without Fee or Reward; and it ſhall and may be lawful for any Perſon or Perſons intending to import Victual into any Part of Scotland, or deſirous to have ſuch Victual imported, or for any Juſtice of Peace within any County in Scotland, to require and demand an authentick Extract or Exemplification of ſuch Act or Determination from One of the ſaid principal Clerks of Seſſion under his Hand and Seal, paying therefore the Price of One Shilling and no more, and to deliver the ſame Extract or Exemplification to the Collector or chief Officer of any Port or Ports in Scotland, to be by him kept, hung up, and made Patent as aforeſaid; and that ſuch Extract or Exemplification ſo delivered, kept, and hung up by ſuch Collector or chief Officer in any Part of Scotland, which ſhall certify, declare, and aſcertain the current Prices of Victual in the ſaid City and County of Edinburgh to exceed the Rates and Prices following; that is to ſay, Wheat Three Pounds Scots, or Five Shillings Sterling the Wincheſter Buſhel, conſiſting of Eight Wincheſter Gallons; Bear and Barley One Pound ſeven Shillings Scots, or Two Shillings and three Pence Sterling the Wincheſter Buſhel; Oats One Pound Scots, or One Shilling and eight Pence Sterling; Peaſe and Beans One Pound ten Shillings Scots,

Power of ſuſpending Prohibitory Laws, to be veſted in the Judges of the ſeveral Courts in *Scotland*.

How and when to apply for Licence to import Victual into *Scotland*.

Clerk's Fee.

Price of Victual.

Scots, or Two Shillings and ſix Pence Sterling the Wincheſter Buſhel; and Oatmeal Eight Pounds Scots, or Thirteen Shillings and four Pence the Bole, weighing Eight Stone Troys, ſhall be a ſufficient Warrant to the Collector and other Officers of the ſeveral Ports in Scotland, to allow Victual from Ireland or other Parts beyond the Seas, to be entered, unſhipped, and landed, without paying or being charged with any higher Duty than is herein after mentioned.

Perſons who have Power to ſuſpend Prohibitory Laws, have alſo Power to take off ſuch Suſpenſion.

II. And it is hereby further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſame Perſons, who for the time being are by virtue of this Act authorized and required to exerciſe and execute the ſaid Power of Suſpenſion as aforeſaid, and they are hereby reſpectively authorized and required, once in every Thirty Days from the Time that ſuch Suſpenſion ſhall have taken Effect (ſo long as there ſhall be an Occaſion or Neceſſity for the ſame) by the Ways and Means herein before mentioned, directed, and appointed, or any of them, to examine and enquire into and determine the common Prices of middling Corn and Grain of the reſpective Sorts and Kinds above mentioned; and in caſe upon ſuch Enquiry it ſhall appear and be found, that the current Price of Victual in the ſaid City and County of Edinburgh ſhall not exceed the Rates and Prices above mentioned, upon which the Suſpenſion directed and intended by this Act is to be founded, then and in ſuch Caſe they are hereby authorized and required, by a proper Act or Inſtrument to be ſubſcribed as aforeſaid, to determine and aſcertain the ſame, and tranſmit, or cauſe to be tranſmitted authentick Extracts or Exemplifications of ſuch Act or Inſtrument to the chief Officer or Collector of the Cuſtoms at the Port of Leith for the time being, and to the Collectors or chief Officers of all the other Ports in Scotland; and which ſaid Extracts or Exemplifications ſhall be by ſuch Officers reſpectively kept and hung up in the reſpective Cuſtom-houſes or Offices to which they reſpectively belong, and there be Patent to all Perſons who ſhall deſire to inſpect the ſame, and ſhall and may be ſeen and inſpected accordingly without Fee or Reward; and ſuch Extracts or Exemplifications ſhall be ſufficient Notice to the Collectors and other Officers of the ſeveral Ports in Scotland, that the Laws prohibiting the Importation of Victual from Ireland, or other Parts beyond the Seas, are again revived and in Force, and an Authority for them to ſtop the entering, unſhipping, and landing the ſame.

Former Duties to be continued, and regulated by this Act.

III. And be it declared and further enacted by the Authority aforeſaid, That ſuch and the ſame Cuſtoms and Duties ſhall be paid for any Corn or Grain imported by virtue and in purſuance of this Act, as are charged and directed to be paid upon Foreign Corn imported, in and by an Act made and paſſed in the Two and twentieth Year of the Reign of his late Majeſty King Charles the Second, intituled, An Act for Improvement of Tillage, and the Breed of Cattle; and the ſaid Cuſtom and Duty ſhall be regulated by, and be collected and paid, according to the Rates and Prices to be ſettled, aſcertained, and determined in purſuance of this Act, and not otherwiſe.

Acts 22 *Car.* II. *cap.* 13. and 2 *Geo.* II. *c.* 18. relating to Payment of Duties, to remain in Force.

IV. And it is hereby further enacted, That all the Clauſes and Proviſions contained, as well in the ſaid Act of the Two and twentieth of King Charles the Second, as in an Act made in the Second Year of his preſent Majeſty, intituled, An Act to aſcertain the Cuſtom payable for Corn and Grain imported; for better aſcertaining the Price and Quantity of Corn and Grain, for which a Bounty is payable upon Exportation; for appropriating the Supplies granted in this Seſſion of Parliament; and for giving Time to Clerks and Apprentices to pay Duties omitted to be paid for their Indentures and Contracts; or in either of them, relating to the Payment and Recovery of ſuch Duties, which are now in Force, and unrepealed, ſhall extend to, take Place, and be in Force in that Part of the United Kingdom called Scotland; and that all Offences there committed againſt any Parts of the ſaid Acts above mentioned, relating to the ſaid Duties, ſhall and may be proſecuted in the Court of Seſſion, or his Majeſty's Exchequer at Edinburgh.

CAP. VIII.

An Act for incorporating the Undertakers of the Navigation of the River *Dee*.

Preamble, reciting the Act 6 *Geo.* II. *c.* 30.

WHEREAS by an Act of Parliament made in the Sixth Year of His Majeſty's Reign, intituled, *An Act to recover and preſerve the Navigation of the River* Dee, *in the County Palatine of* Cheſter, reciting, That the Sands, Soil, and Ground, commonly called *The White Sands*, in the ſaid Act mentioned, were of great Breadth in ſome Places, and that the ſaid River not being navigable, was chiefly owing to the Breadth of the ſaid Sands, and to the ſhifting of the Chanel from one Side thereof to the other, as the Winds and Tides varied; and alſo, that the ſaid White Sands were not, nor were likely to be, of any Benefit to any Perſon, unleſs the ſaid River was bounded in and made navigable by Sea Walls, Banks, and Fences, which would require a very great Expence, as well to erect as to maintain and repair from time to time; and that if the ſaid White Sands were recovered from the Sea by making Walls, Banks, and Fences, and the Chanel of the ſaid River *Dee* was confined to one certain Courſe, it would not only effectually make the ſaid River navigable, but veſting the ſaid White Sands in the Undertakers of the ſaid Navigation would be a conſiderable Encouragement to the Undertaking; and alſo reciting, That the making the ſaid River navigable would be a Means to advance the Trade of the ſaid City of *Cheſter*, and that great Benefit would accrue thereby to the Inhabitants thereof, and to the Towns and Countries adjacent to or near the ſaid River; and it would alſo increaſe the Number of Seamen and Watermen, and promote the publick Good of this Kingdom; *Nathaniel Kinderley* in the ſaid Act named, his Heirs, and Aſſigns, and ſuch Perſons as he, his Heirs, and Aſſigns ſhould nominate and appoint under his or their Hand and Seal, ſhould be and were by the ſaid Act appointed Undertakers of the ſaid Navigation, and impowered at their own Coſts and Charges to make and keep the ſaid River *Dee* navigable from the Sea to a certain Point within the Liberty of the ſaid City of *Cheſter*, called *Wilcox Point*, in ſuch Manner that there ſhould be Sixteen Foot Water in every Part of the ſaid River at a moderate Spring Tide, for Ships and Veſſels to come and go to and from the ſaid City; and the ſaid *Nathaniel Kinderley*, his Heirs, Aſſigns, and Nominees, had further Powers granted them by the ſaid Act as therein mentioned; and as a Recompence for the Expences which the ſaid Undertakers ſhould be at in making the ſaid River navigable, they were by the ſaid Act of the Sixth Year of His preſent Majeſty impowered, ſo ſoon as the ſaid River was made navigable as in the ſaid Act was expreſſed, to take and receive ſuch Duties and Tonnage as in the ſaid Act are mentioned; and certain Sands, Marſhes, and Salt Graſs,

Graſs, in the ſaid Act mentioned, were thereupon veſted in the ſaid Undertakers to and for their proper Uſe, under the Proviſoes and Conditions in the ſaid Act mentioned; and they were by the ſaid Act directed to inveſt Ten thouſand Pounds in *South Sea* Annuities, or other Government Securities, in the Names of *Thomas Revel*, *John Manley*, and *Benjamin Hoare*, Eſquires; and *John Bland* Banker, to remain as a Fund to anſwer ſuch Damages as ſhould ariſe to the Owners of Lands, Tenements, Hereditaments, and Fiſheries in the ſaid Act mentioned, for the Space of Three Years from and after the ſaid Navigation ſhould be fully compleated, as in and by the ſaid Act of Parliament will more fully appear: And whereas the ſaid *Nathaniel Kinderley* did afterwards by an Inſtrument in Writing, dated the Ninth Day of *July*, One thouſand ſeven hundred and thirty three, duly executed by him under his Hand and Seal, declare, That his Name was made uſe of in the ſaid Act of Parliament, in Truſt for *Thomas Watts*, and *Richard Manley*, Eſquires; and ſuch other Perſons as they ſhould appoint, to be concerned in the ſaid Undertaking to make the ſaid River *Dee* navigable according to the Terms of the ſaid Act; and the ſaid *Nathaniel Kinderley* did afterwards duly nominate certain Perſons, being Forty in Number, to be the Undertakers of the ſaid Navigation: And by Indenture Quadrupartite made the Ninth Day of *April*, One thouſand ſeven hundred and thirty four, by and between the ſaid *Nathaniel Kinderley*, of the Firſt Part; the ſaid *Thomas Watts* and *Richard Manley*, of the Second Part; *Joſeph Davis* and *William Parſons* of *London*, Gentlemen, of the Third Part; and Ninety other Subſcribers to the ſaid Indenture, or to the Schedule thereof, of the Fourth Part, and duly executed by all the ſaid Parties (Thirty ſix of which Subſcribers to the ſaid Indenture, or to the Schedule thereof, were Nominees of the ſaid *Nathaniel Kinderley*, by him ſo nominated as aforeſaid to be Undertakers of the ſaid Navigation, the Four other Perſons nominated as Undertakers not having paid any Money to the ſaid Undertaking, or ſubſcribed thereto) it was agreed, That the ſaid Subſcribers ſhould raiſe a joint Stock of Forty thouſand Pounds, in the Manner, and on the Truſts therein after mentioned; which Truſts were, amongſt other things, to lay out the Ten thouſand Pounds, to be depoſited as a Fund to anſwer the Damages before ſpecified; and alſo to lay out ſuch Sums as ſhould be neceſſary to recover and preſerve the Navigation of the River *Dee*, in ſuch Manner as in the ſaid Act is mentioned; and the Reſidue (if any) of the ſaid Forty thouſand Pounds was to be in Truſt for the ſaid Subſcribers, in Proportion to the Sums by them reſpectively paid in; and it was by the ſaid Indenture farther agreed, That the Duties and Tonnage by the ſaid Act made payable to, and the Sands, Soil, Ground, Marſhes, and Salt Graſs thereby veſted in, the ſaid *Nathaniel Kinderley*, his Heirs, Aſſigns, or Nominees, ſhould be and remain to and for the Uſe and Benefit of the ſaid Subſcribers to the ſaid Indenture, or to the Schedule thereto annexed, in Proportion to the Sums by them reſpectively paid, and to be paid, in purſuance of the ſaid Indenture; and it was by the ſaid Indenture agreed, That the ſaid joint Stock of Forty thouſand Pounds ſhould be divided into Four hundred Shares, each conſiſting of One hundred Pounds, and that each of the Subſcribers ſhould be intitled to ſo many of the ſaid Shares as he ſhould have ſubſcribed and paid in One hundred Pounds; and ſeveral Proviſions were by the ſaid Indenture made for the Management of the ſaid Undertaking for recovering and preſerving the ſaid Navigation, and of the Affairs relating thereto, as by the ſaid Indenture may more fully appear: And whereas the Monies advanced and paid in and upon the ſaid Indenture, having been laid out in making the ſaid Depoſit of Ten thouſand Pounds in *South Sea* Annuities as in the ſaid Act is directed, and for other the Purpoſes in the ſaid Indenture mentioned, great Progreſs was thereby made in recovering the ſaid Navigation; but the ſame not being perfected, and it being neceſſary to raiſe further Monies for that Purpoſe, it was by Deed Poll, bearing Date the Seventeenth Day of *Auguſt*, One thouſand ſeven hundred and thirty ſix (and executed by much the greater Part both in Number and Value of the ſaid Subſcribers to the ſaid Indenture) agreed to advance Ten *per Centum* more on each of their reſpective Subſcriptions to the ſaid Indenture, for the Purpoſes in the ſaid Indenture expreſſed concerning the ſaid Forty thouſand Pounds; and afterwards there being a Neceſſity to raiſe further Monies for the perfecting the ſaid Navigation, by another Deed Poll, bearing Date the Third Day of *March*, One thouſand ſeven hundred and thirty ſix, and executed likewiſe by much the greater Part in Number and Value of the ſaid Subſcribers to the ſaid Indenture, it was agreed by the ſaid Subſcribers to the ſaid Deed Poll, to advance Twenty Pounds *per Centum* more on their reſpective Subſcriptions to the ſaid Indenture, for perfecting the ſaid Navigation: And whereas the Subſcribers to the ſaid Indenture, and to the ſaid Deeds Poll, and Undertakers of the ſaid Navigation, having raiſed and paid in Forty ſeven thouſand eight hundred and thirty Pounds, the ſame hath been laid out in making the ſaid Depoſit of the Ten thouſand Pounds by the ſaid Act directed, as a Fund to anſwer the Damages therein ſpecified; and in cutting and making a new Channel for the ſaid River *Dee* through the adjacent Marſhes, near Ten Miles in Length; and in making a Dam and Sluices croſs the ſaid old Channel of the ſaid River, and deepening and ſcouring thereof, and turning the ſaid River into the ſaid new Channel, and making other Works neceſſary for the recovering and preſerving the Navigation of the ſaid River; and in Charges neceſſarily attending the ſaid Undertaking: And whereas the joint Stock of the ſaid Undertaking, which was to conſiſt of Forty thouſand Pounds, having been laid out as aforeſaid, and proving inſufficient to anſwer the Purpoſes of the ſaid Proprietors, it was computed, that the Subſcribers paying in firſt Ten *per Centum*, and then Twenty *per Centum* more on their reſpective original Subſcriptions to the ſaid Indenture, would raiſe Twelve thouſand Pounds more; which Twelve thouſand Pounds would be ſufficient to anſwer the ſaid Purpoſes: But, by reaſon of ſeveral of the ſaid Subſcribers to the ſaid Indenture not having ſubſcribed the ſaid Deeds Poll for the Payment of the above mentioned Ten and Twenty *per Centum* on their original Subſcriptions to the ſaid Indenture, there was but Forty ſeven thouſand eight hundred and thirty Pounds raiſed: And whereas the ſaid Undertakers, at a general Meeting held the Eleventh Day of *December*, One thouſand ſeven hundred and forty, did agree, for the more effectual carrying on the ſaid Undertaking in the moſt beneficial Manner under the ſaid Act, and for preſerving and ſecuring the Works already made, and incloſing and improving the Sands and Grounds veſted by the ſaid Act in the ſaid Undertakers as therein is mentioned, that the ſaid joint Stock ſhould conſiſt of and be Fifty two thouſand Pounds, and that the ſaid Subſcribers ſhould be allowed ſo much of the ſaid joint Stock, as ſhall be in Proportion to the reſpective Sums paid in by each of them, and that what ſhould remain unpaid of the ſaid Fifty two thouſand Pounds Stock, ſhould be veſted in the ſaid Company, and that they would endeavour to obtain an Act of Parliament for uniting and erecting the ſaid Undertakers and Proprietors of the ſaid Navigation of the ſaid River *Dee* into a Company, for the better enabling them to anſwer the Purpoſes aforeſaid, and for the better ſettling and aſcertaining their reſpective Intereſts in the Stock of the ſaid Undertaking, in Proportion to the Monies by them reſpectively advanced, and to be advanced, as aforeſaid, and for the preſcribing a certain Method and Form of aſſigning their reſpective Intereſts in a ſhort, eaſy, and effectual Manner, for the common Good of the ſaid Undertaking; and the ſaid Undertakers have accordingly applied for ſuch an Act to be paſſed: And whereas it is reaſonable and juſt, that the ſaid Undertakers ſhould obtain an Act of Parliament for the Purpoſes aforeſaid; **may it therefore please Your moſt Excellent Majeſty that it may be enacted, and be it enacted by**

by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That William Allix, Chriſtopher Burrow, Henry Bennett, Robert Bowyer, Martha Bulkeley, Samuel Bagnall, Gwynn Bodwell, William Brackley, Sir Robert Saliſbury Cotton Baronet, Joſeph Crew, John Collins, Charles Carkeſſe, Thomas Croughton, James Croxton, Hugh Clough, Charles Croughton, Ann Clough, Robert Davies, Peter Davenport, Sir John Eyles Baronet, John Edgell, Dorothy Foulkes, Thomas Gardner, James Gambier, William Goodwin, John Gardner, Jonathan Gouldſon, Thomas Hawes, Alexander Hamilton, Samuel Holt, Joſeph Hall, Anne Humphreys, Edward Jaſper, Samuel Jeake, Thomas Jans, Samuel Jacomb, Elizabeth Kirks, Henry Laſcelles, William Lock, James Lamb, Peter Leckonby, Ralph Leyceſter, John Manley, William Manley, Samuel Mead, Richard Manley, John Moulſon, John Murrey, Richard Moulſon, Suſanna Manley, Richard Needham, John Owen, Robert Parſons, Robert Paul, John Phillipſon, Richard Penkett, Henry Perkins, William Peyton, Thomas Revell, William Rouſe, John Roberts, Ellen Robinſon, Harry Spencer, Elizabeth Suſanna Sedgwicke, Samuel Saville, Samuel Smith, Thomas Tyltſon, John Travers, Walter Thomas, John Tyltſon, William Underwood, Sir George Wynne Baronet, Edward Williams, Edward Williams, Hugh Williams, Robert Wrench, William Widdens, Kyffin Williams, Anne Walcott, Mary Whitfield, Hitch Younge, Proprietors of the Undertaking for recovering and preſerving the Navigation of the ſaid River Dee, and the Repreſentatives of ſuch of the Subſcribers to the ſaid Indenture, or Deeds Poll, as are dead, their ſeveral and reſpective Succeſſors, Heirs, and Aſſigns, are and ſhall be, from the Twenty fifth Day of March, One thouſand ſeven hundred and forty one, united and erected into One Company, for the Purpoſes aforeſaid; and ſhall be One Body Politick and Corporate, by the Name, Stile, and Title of The Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*; and by the ſame Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue, and may be ſued; and alſo ſhall have Power to purchaſe Lands to them, and their Succeſſors and Aſſigns, for the Uſes of the ſaid Navigation; and ſhall govern themſelves, and all their Proceedings, according to the Rules, Orders, and By-laws to be made by the ſaid Company, as herein after mentioned; and that the ſaid Company ſhall have full Power and Authority to do all ſuch Acts, as the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, or Nominees, might have done, or were impowered to do, by virtue of the ſaid Act of the Sixth Year of His preſent Majeſty, and to take and receive all ſuch Duties, Tonnage, Dues, and Payments whatſoever, as the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, or Nominees, were impowered to do by the ſaid Act; and to embank, incloſe, improve, and apply to the Uſe of the ſaid Company, the White Sands, Soil, and Ground, and other Lands whatſoever, by the ſaid Act veſted in the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, and Nominees, upon the Terms and Conditions in the ſaid Act mentioned, in the ſame Manner as the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, or Nominees, might have done; and alſo all the Lands, Soil, and Ground, purchaſed or agreed for by the ſaid Proprietors, and conveyed or to be conveyed to the ſaid Proprietors, or to the ſaid Company hereby united; and alſo to execute all the Powers and Authorities given to, and veſted in the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, and Nominees, by or by virtue of the ſaid Act, and in ſuch Manner as the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, or Nominees might have executed the ſame by virtue of the ſaid Act, ſubject to the Limitations, Conditions, and Reſtrictions in the ſaid Act mentioned.

Proprietors Names.

Name of the Corporation, and their Power.

II. And be it enacted by the Authority aforeſaid, That the Joint Stock of the ſaid Company ſhall be and conſiſt of Fifty two thouſand Pounds; and that the Perſons, their Heirs, and Aſſigns, who did ſubſcribe the above mentioned Indenture Quadripartite of the Ninth Day of April, One thouſand ſeven hundred and thirty four, and did pay in thereupon, or on the ſaid Deeds Poll, or either of them, for the Uſe of the ſaid Undertaking, and of the ſaid Navigation, the ſaid Forty ſeven thouſand eight hundred and thirty Pounds, ſhall be intitled to, and have Credit in the Books of the ſaid Company for ſo much of the ſaid Joint Stock as they have reſpectively paid in of the ſaid Forty ſeven thouſand eight hundred and thirty Pounds; and that the Four thouſand one hundred and ſeventy Pounds Reſidue of the ſaid Fifty two thouſand Pounds Joint Stock, ſhall be at the Diſpoſal of the ſaid Company; and that the ſaid Proprietors of the ſaid Joint Stock, their Heirs, and Aſſigns, ſhall be reſpectively intitled to all the Benefits and Advantages by the ſaid Act veſted in the ſaid Nathaniel Kinderley, his Heirs, Aſſigns, and Nominees, and now veſted in the ſaid Company, in Proportion to their reſpective Intereſts in the Joint Stock of the ſaid Company.

Value of the Joint Stock.

III. And be it further enacted by the Authority aforeſaid, That the ſaid Company be and are hereby enabled from time to time for ever hereafter, to purchaſe, take, hold, and enjoy, to and for themſelves, and their Succeſſors and Aſſigns, and to ſell or aſſign, any Share or Shares, or Part of the ſaid Joint Stock of the ſaid Undertaking, or of the Lands, Tenements, and Hereditaments, purchaſed for the Uſe of the ſaid Navigation; and alſo to purchaſe Lands, Tenements, and Hereditaments, not exceeding the yearly Value of One thouſand Pounds in the whole, to them, their Succeſſors, and Aſſigns, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any of them; and that any Perſon or Perſons may give, grant, bargain, ſell, or convey any Share or Shares, Part or Parts of the ſaid Undertaking, or any Lands, Tenements, and Hereditaments, not exceeding the yearly Value of One thouſand Pounds, to the ſaid Company, for the Uſe or Benefit of the ſaid Navigation, without Licence of Alienation in Mortmain.

Company may purchaſe Lands.

IV. And be it further enacted by the Authority aforeſaid, That the following Rules and Orders ſhall be and are hereby declared to be the Rules and Orders by which the ſaid Company ſhall be governed: *Firſt*, That the Direction and Management of the Affairs of the ſaid Company ſhall be in and by a Committee conſiſting of a Chairman and Ten other Members of the ſaid Company, to be choſen and qualified as herein after is mentioned, in ſuch Manner as the ſaid Committee or the major Part of them preſent and aſſembled in Committee, not being fewer than Six, ſhall judge proper; which Committee ſhall be choſen every Year, on Michelmas Day, or within Fifteen Days after, by a Plurality of Votes,

Rules and Orders.

at a General Court of the ſaid Company to be ſummoned for ſuch Election as herein after mentioned; the Firſt of the ſaid Elections to be made on Michaelmas Day, One thouſand ſeven hundred and forty one, or within Fifteen Days after; and that no Perſon ſhall be capable of being choſen Chairman, or Committee-man, of and for the ſaid Company, that ſhall not at the Time of his being elected have in his own Name and Right Five hundred Pounds at the leaſt of the Joint Stock of the ſaid Company; and that Three at the leaſt of ſuch Committee ſhall be ſuch Members of the ſaid Company, qualified as aforeſaid, as were not of the Committee in the Year preceding ſuch Election; and that ſuch Chairman and Committee-men ſhall continue in their reſpective Offices until the Michaelmas Day next enſuing the reſpective Elections, and from thenceforth till a new Election be made of a Chairman and Committee in their Stead, unleſs ſuch Chairman and Committee-men reſpectively ſhall ſooner die, or be diſqualified, or removed; and that every Chairman or Committee-man of the ſaid Company, who ſhall at any Time not have Five hundred Pounds of the Joint Stock of the ſaid Company in his own Name and Right, ſhall, from the Time he had leſs than Five hundred Pounds of the ſaid Stock in his own Name and Right, be diſqualified from being any longer Chairman or Committee-man; and in ſuch Caſe another Chairman or Committee-man ſhall or may be choſen in his Stead, by a General Court of the ſaid Company, to be ſummoned for that Purpoſe; and that the ſaid Committee ſhall from time to time have Power to adjourn themſelves, and to appoint ſuch Times and Places for their Meetings, as they or the Majority of them then preſent ſhall order and direct.

Names of the firſt Committee.

V. And it is hereby enacted, That the ſaid John Manley the preſent Chairman, Chriſtopher Burrow, John Collins, Thomas Hawes, Samuel Jeake, Henry Laſcelles, William Lock, William Manley, Robert Paul, Thomas Revell, and Harry Spencer, the preſent Committee-men of the ſaid Undertakers of the ſaid Navigation, at their laſt General Meeting for Elections, ſhall be, and be deemed, to all Intents and Purpoſes, the firſt and preſent Chairman and Committee for the Management of the Affairs of the ſaid Company, and ſhall continue in ſuch their reſpective Offices of Chairman and Committee-men for the ſaid Company, until the ſaid Michaelmas Day, One thouſand ſeven hundred and forty one, or a new Election ſhall be made in their Stead by the ſaid Company, unleſs the ſaid preſent Chairman and Committee-men ſhall ſooner die, or be diſqualified, or removed, as herein after is mentioned.

Power of a General Court.

VI. And be it further enacted by the Authority aforeſaid, That every Chairman, Committee-man, or other Officer of the ſaid Company, ſhall be liable to be removed by any Order of a General Court of the ſaid Company; and that upon ſuch Removal or Removals, or on the Death or Diſqualification of any Chairman or Committee-man, a new Chairman, Committee-man, or other Officer of the ſaid Company, ſhall or may be choſen by a General Court of the ſaid Company, to be duly ſummoned for that Purpoſe, as often as the Caſe ſhall happen; and ſuch new Chairman or Committee-man ſo to be choſen, ſhall in ſuch Caſe continue in his Office ſo long as the Perſon ſo dying or removed ſhould have done, in caſe he had not died or been removed; and that the ſaid Chairman and Committee-men or any Six of them aſſembled at a Committee ſhall have full Power to govern, direct, and manage the ſaid Undertaking and Affairs of the ſaid Company, as well in buying of Lands, Liberties, and Materials for the Uſe of the ſaid Navigation, as in employing, ordering, and directing the Work and Workmen, and in appointing and diſplacing Under Officers, Servants, and Agents, and in making Contracts and Bargains touching the ſaid Undertaking; ſubject nevertheleſs to ſuch Rules and Orders as are herein preſcribed for the ſaid Company, and to the By-laws which ſhall or may be ordained by the General Court of the ſaid Company from time to time, as herein after is mentioned.

Committee to take an Oath.

VII. And be it further enacted, That no Chairman or Committee-man of the ſaid Company ſhall be capable to execute or act in the ſaid Offices of Chairman or Committee-man, until he ſhall have taken an Oath in the following Words, or to the following Effect:

The Oath.

I *A. B.* do ſwear, That the Sum of Five hundred Pounds of the Stock of the Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, whereof I am appointed or elected Chairman (*or* Committee-man, *as the Caſe ſhall be*) doth at this Time belong to me in my own Right, and not in Truſt for any other Perſon or Perſons whatſoever.

So help me God.

VIII. And alſo another Oath in the Form, or to the Effect following; videlicet,

And this Oath.

I *A. B.* faithfully promiſe, That in the Office of Chairman (*or* Committee-man, *as the Caſe ſhall be*) of the Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, I will give my beſt Advice and Aſſiſtance for the Support and good Government of the ſaid Company; and I will faithfully and honeſtly demean myſelf, and execute the ſaid Office according to the beſt of my Skill and Underſtanding.

So help me God.

Before whom the Oaths ſhall be taken.

IX. And the like Oaths, mutatis mutandis, ſhall be taken by the Chairman and Committee-men of the ſaid Company reſpectively, before they or any of them ſhall be capable of executing or acting in their reſpective Offices or Truſts; which Oaths, to the firſt Chairman and Committee-men herein nominated reſpectively, ſhall and may be adminiſtered by the Chief Baron, or any other Baron of the Court of Exchequer for the time being, or by any Two or more of the ſaid Committee, who ſhall firſt have taken the ſaid Oaths; and they, and every of them reſpectively, are hereby authorized and required to adminiſter the ſaid Oaths accordingly.

X. And it is hereby further enacted by the Authority aforesaid, That the Committee of the said Company for the time being, or any Two of them, or any Justice of Peace, shall have Power from time to time to administer an Oath to every of their Officers, or Agents, or Servants, that shall be employed in the Service or Affairs of the said Company, for the faithful and due Execution of the said Trusts respectively in them reposed, in the Words, or to the Effect following; videlicet,

Officers Oath.

I *A. B.* being appointed into the Office or Place of Treasurer to the Company of Proprietors of the Undertaking for recovering and preserving the Navigation of the River *Dee*, do swear, That I will be true and faithful to the said Company, and their Successors; and will faithfully and truly execute the said Office of Treasurer to the utmost of my Skill and Power.

So help me God.

XI. And the like Oath, mutatis mutandis, to the other Officers, Agents, or Servants of the said Company: And in case any Person hereby nominated, or hereafter elected Chairman or Committee-man of the said Company, shall, for the Space of Twenty eight Days after such Nomination or Election, or Notice thereof sent or left for him at his usual Place of Abode by Writing under the Hand of the Secretary or Clerk of the said Company for the time being, refuse or neglect to take the Oaths hereby respectively appointed to be taken as aforesaid, or neglect or refuse to take upon him such Office; then and in such Case the Office of such Person so refusing or neglecting shall be vacant, and a new Election shall or may be made into such Office, in such Manner as is hereby prescribed for the Election of a Chairman or Committee-man of the said Company.

On Committee-men refusing to act others to be chosen.

XII. And it is hereby further enacted, That at all General Courts of the said Company, whether for Elections or other Business, every Member of the said Company then having in his or her own Name and Right One hundred Pounds of the Joint Stock of the said Company, shall by Reason and in Right thereof have One Vote, and so in Proportion for every One hundred Pounds; provided that no Member shall have more than Ten Votes at such General Court; and that no Member shall have a Vote, who hath less than One hundred Pounds of the said Joint Stock in his or her own Name and Right.

Voter to have 100 *l.* Stock.

XIII. And it is hereby further enacted, That Fifteen Days Notice at least of any General Court of the said Company, whether for Elections or other Business, shall be given in the London Gazette, and some other publick News-paper, of the Time and Place when and where such General Court is to be held; and that at every such General Court the respective Members having a Right to vote there shall or may appear in their own Persons, or by their Proxies, every Proxy having One or more Votes in his own Name or Right; and the Majority of the Votes shall determine the Elections, or other Matter in Question, in the General Court; and if there shall be an Equality of Votes in any General Court, the Chairman shall have the casting Vote.

Notice for General Meetings.

XIV. And be it further enacted, That the said Company, assembled in a General Court, shall and may from time to time and at all times hereafter make a Call or Calls on their Members, provided such Call or Calls do not exceed in the whole the Sum of Twenty Pounds per Centum of the Joint Stock of the said Company, and shall and may ordain such By-laws, Rules, and Orders for the better Government of their Affairs, and the Members thereof, and for the Guidance and Direction of the Committee, as to the said General Court shall seem meet, so as such By-laws, Rules, and Orders, be made consistent with Law, and with the Rules and Orders herein before mentioned; and the said General Court shall and may from time to time alter and revoke such By-laws, Rules, and Orders, and make such new ones in their Stead, as they shall think proper, so as the same be consistent with Law, and with the said Rules and Orders herein before mentioned.

General Court to make Calls, and By-laws.

XV. And be it further enacted, That the Chairman and Committee for the time being of the said Company shall at any time, upon Application in Writing made to them by Nine of the Members of the said Company, having at least Two hundred Pounds each of the said Joint Stock in their own Name and Right respectively, by Notice in the Gazette summon a General Court of the said Company to meet at the House or Office of the said Company, or at such other convenient Place as the said Chairman and Committee shall appoint, within Fifteen Days after such Application made.

Who may demand a General Court.

XVI. And it is hereby further enacted by the Authority aforesaid, That Books of Accounts, Cash, and other Books, shall be kept in such Place, and by such Accountants, Officers, Clerks, and Servants, as the Committee for the time being of the said Company shall appoint, wherein shall be fairly writ and entered all Accounts and other Matters concerning the said Company, their Joint Stock, and their Dealings and Transactions, and the Rents, Issues, and Profits of the said Company, and the Assignments to be made of their Stock, as herein after mentioned; which Books the respective Members of the said Company shall and may have free access to, from time to time, at seasonable times, to inspect, but not to write Copies thereof or of any Part without the Order of the Committee for the time being first had in Writing for that Purpose; and that every Assignment to be made of any Interest or Part of the said Joint Stock of the said Company, shall be entered and made in a Book to be kept for that Purpose at the publick Office of the said Company.

Books of Account to be kept for publick View.

XVII. And be it further enacted, That the Method of assigning, transferring, and conveying of any Interest in the said Joint Stock, shall be in the following Form; to wit,

Method of transferring.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, ſell, and aſſign to the ſaid *C. D.* in the Joint Stock of the Company of Proprietors of the Undertaking for recovering and preſerving the Navigation of the River *Dee*, to hold to him the ſaid *C. D.* his Heirs and Aſſigns, ſubject to the ſame Rules and Orders, and on the ſame Conditions that I held the ſame immediately before the Execution hereof; and I the ſaid *C. D.* do hereby agree to accept of the ſaid of the ſaid Joint Stock, ſubject to the ſame Rules, Orders, and Conditions.

Witneſs our Hands and Seals, the

Which Aſſignment and Acceptance ſhall be executed in the ſaid Company's Book to be kept for that Purpoſe, and alſo therein witneſſed by One Witneſs to the Execution thereof, ſhall be valid to all Intents and Purpoſes.

Times to make Dividends.

XVIII. And be it further enacted, That the clear Profits that ſhall be made to ariſe to the ſaid Company, by means of the ſaid Joint Stock, and the ſaid Navigation, and of the ſaid Duties and Tonnage, or otherwiſe, or ſo much of the ſaid Profits as ſhall be thought proper by the General Court, ſhall from time to time, at Lady-day and Michaelmas-day in every Year, or within Fifteen Days next after the ſaid Feaſt Days reſpectively, be divided and paid to and amongſt the reſpective Members of the ſaid Company for the time being, in Proportion to their reſpective Shares and Intereſt in the ſaid Joint Stock of the ſaid Company.

Proviſo.

XIX. Provided always, That no Dividend ſhall be made of more than what, upon a juſt and fair Account, ſhall appear to be the clear Profits ariſing by or from the Premiſſes to the ſaid Company, to the Time of making ſuch Dividend.

Act 6 *Geo.* II. *cap.* 30. to remain in Force.

XX. And it is hereby enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend or be conſtrued to take away or leſſen in any Reſpect whatſoever, the Powers given by the ſaid Act of the Sixth Year of His preſent Majeſty's Reign, to the Commiſſioners appointed by the ſaid Act; but that the ſaid Commiſſioners ſhall and may have the ſame Powers and Authorities, as they had before the making this Act; any thing herein contained to the contrary thereof notwithſtanding.

Not ſubject to Commiſſioners of Sewers.

XXI. Provided, and it is hereby enacted, That neither the ſaid Company, nor the ſaid River Dee, ſo far as the Work of the ſaid Navigation hereby veſted in the ſaid Company ſhall extend, nor any of the Watters and Things that are or hereafter ſhall be made, erected, or uſed for carrying on the Navigation of the ſaid River Dee, ſhall be under the Survey or Order of any Commiſſion of Sewers, nor ſubject thereto.

Meaning of the Act.

XXII. And be it further enacted, That if any Doubts ſhall ariſe about the Expoſition of this Act, the ſame ſhall be conſtrued and taken in ſuch Manner, as ſhall be moſt beneficial and advantageous for the Purpoſes aforeſaid, in making the ſaid River navigable, and in preſerving and continuing the Navigation thereof for ever, according to the true Intent and Meaning of this Act, and of the ſaid recited Act.

XXIII. And be it further enacted by the Authority aforeſaid, That if any Action, Suit, or Information ſhall be commenced in any of His Majeſty's Courts of Record at Weſtminſter, againſt any Perſon or Perſons, for any thing which ſhall be done from and after the Twenty fifth Day of March, One thouſand ſeven hundred and forty one, in purſuance of the ſaid former Act, or this preſent Act, or in the Execution of the Powers or Authorities, or the Orders and Directions therein and herein mentioned, in every ſuch Caſe ſuch Action, Suit, or Information ſhall be commenced within Twelve Months next after the Facts committed, and not afterwards, and ſhall be laid in the County wherein the Cauſe of Action did or ſhall ariſe, and not elſewhere; and the Perſon ſo ſued or proſecuted may plead the General Iſſue, and give this and the former Act or either of them and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in Purſuance and by Authority of the ſaid firſt recited Act, and of this Act, or One of them; and if it ſhall appear ſo to be done, or that ſuch Action, Suit, or Information, was commenced after the Time before limited for bringing the ſame, or laid in any other County than wherein ſuch Cauſe of Action did ariſe, then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Actions, after the Defendant or Defendants ſhall have appeared, and if a Verdict ſhall paſs againſt him, her, or them, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs; the Defendant or Defendants ſhall or may recover his, her, or their Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have, or may have, for Coſts of Suit in any other Caſes by Law.

Action to be commenced within 12 Months.

General Iſſue.

Publick Act.

XXIV. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame.

CAP. IX.

An Act for puniſhing Mutiny and Deſertion; and for the better Payment of the Army and their Quarters.

Preamble.

WHEREAS the raiſing or keeping a Standing Army in this Kingdom in Time of Peace, unleſs it be with Conſent of Parliament, is againſt Law: And whereas His Majeſty has judged it neceſſary to declare War againſt *Spain*, for vindicating the Honour of the Crown, and for the Preſervation of

of the free Navigation and Commerce of the Subjects of this Realm: And whereas it is judged neceſſary by His Majeſty, and this preſent Parliament, that a Number of Forces ſhould be kept on Foot for the Purpoſes aforeſaid, and for the Safety and Defence of this Kingdom, amounting to Forty ſix thouſand two hundred eighty eight effective Men, including Two thouſand three hundred twenty two Invalids, and Eleven thouſand five hundred and fifty Men, which compoſe the Ten Regiments of Marines: And whereas it may be neceſſary, during the Courſe of the preſent War, to raiſe others for the like Services: And whereas no man can be forejudged of Life or Limb, or ſubjected in Time of Peace to any Kind of Puniſhment within this Realm, by martial Law, or in any other Manner, than by the Judgement of his Peers, and according to the known and eſtabliſhed Laws of this Realm; yet nevertheleſs, it being requiſite for the retaining ſuch Forces in their Duty, that an exact Diſcipline be obſerved, and that Soldiers who ſhall mutiny, or ſtir up Sedition, or ſhall deſert His Majeſty's Service within this Realm, or the Kingdom of *Ireland*, be brought to a more exemplary and ſpeedy Puniſhment than the uſual Forms of the Law will allow; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** March, **in the Year of our Lord One thouſand ſeven hundred and forty, if any Perſon being muſtered, or in Pay as an Officer, or who is or ſhall be liſted or in Pay as a Soldier, and on the Twenty fourth Day of** March, **One thouſand ſeven hundred and forty, ſhall remain in ſuch Service, or ſhall, during the Continuance of this Act, herein after mentioned, voluntarily enter himſelf in His Majeſty's Service as a Soldier, ſhall, at any Time during ſuch Continuance of this Act, within the Realm of** Great Britain, **or the Kingdom of** Ireland, **or in the Iſland of** Minorca, **or in His Majeſty's Gariſon at** Gibraltar, **or in any of His Majeſty's Dominions beyond the Seas reſpectively, begin, excite, cauſe, or join in any Mutiny or Sedition in the Company, Troop, or Regiment whereto he doth belong, or in any other Company, Troop, or Regiment in His Majeſty's Service, or deſert His Majeſty's Service; or being a Soldier, actually liſted in any Regiment, Troop, or Company, ſhall liſt himſelf in any other Regiment, Troop, or Company, without a Diſcharge produced in Writing from the Colonel, or in his Abſence, the Field-officer commanding in chief the Regiment, Troop, or Company, in which he laſt ſerved as a liſted Soldier; or if any Officer or Soldier in His Majeſty's Army ſhall, either upon Land within or out of** Great Britain, **or upon the Sea, hold Correſpondence with any Rebel, or Enemy of His Majeſty, or give them Advice or Intelligence, either by Letters, Meſſages, Signs, or Tokens, or any Manner of Way whatſoever; or ſhall treat with ſuch Rebels or Enemies, or enter into any Condition with them, without His Majeſty's Licence, or Licence of the General, Lieutenant-general, or Chief Commander; or ſhall ſtrike or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office; or ſhall refuſe to obey any lawful Command of his ſuperior Officer; all and every Perſon and Perſons ſo offending in any of the Matters before mentioned, ſhall ſuffer Death, or ſuch other Puniſhment as by a Court-martial ſhall be inflicted.**

The Number of effective Men.

After 24 *March* 1740, during the Continuance of this Act, every Officer or Soldier in the Army,

who ſhall mutiny, or deſert, &c.

or liſt in any other Regiment, &c.

or correſpond with the Enemy,

or ſhall ſtrike, or not obey his ſuperior Officer; ſhall ſuffer Death, or ſuch Puniſhment as a Court-martial ſhall inflict.

II. **And be it further enacted by the Authority aforeſaid, That His Majeſty may, from time to time, grant a Commiſſion under his Royal Sign Manual to any Officer not under the Degree of a Field-officer, for the holding a General Court-martial within this Realm; and alſo to grant his Warrant to the Lord Lieutenant of** Ireland, **or other chief Governor or Governors there for the time being, or the Governor or Governors of the other Places aforeſaid, or the Perſon or Perſons there commanding in chief, from time to time to appoint Courts-martial in that Kingdom; in which Courts-martial all the Offences above mentioned, and all other Offences herein after ſpecified, ſhall be tried and proceeded againſt in ſuch Manner as by this Act ſhall be hereafter directed.**

The King may grant a Commiſſion to hold a Court-martial, &c.

III. **And be it alſo further enacted, That it ſhall and may be lawful to and for ſuch Courts-martial, by their Sentence or Judgement, to inflict corporal Puniſhment, not extending to Life or Limb, on any Soldier, for Immoralities, Miſbehaviour, or Neglect of Duty.**

Courts-martial may inflict corporal Puniſhment for Immoralities, &c.

IV. **And it is hereby further enacted and declared, That no General Court-martial, which ſhall have Power to ſit by virtue of this Act, ſhall conſiſt of a leſs Number than Thirteen, whereof none to be under the Degree of a Commiſſion-officer; and the Preſident of ſuch laſt Court-martial not to be under the Degree of a Field-officer, or the then Commander in chief of the Gariſon where the Offender ſhall be tried; and that ſuch Court-martial ſhall have Power and Authority to adminiſter an Oath to any Witneſs, in order to the Examination or Trial of any of the Offences that ſhall come before them.**

Not to conſiſt of leſs than 13, and the Preſident to be a Field-officer, &c.

May adminiſter an Oath to Witneſſes.

V. **Provided always, That in all Trials of Offenders by General Courts-martial, to be held by virtue of this Act, every Officer preſent at ſuch Trial, before any Proceedings to be had thereupon, ſhall take an Oath upon the holy Evangeliſts, before the Court and Judge-advocate, or his Deputy (who are hereby authorized to adminiſter the ſame) in theſe Words, that is to ſay;**

Officers to be ſworn.

YOU ſhall well and truly try and determine, according to your Evidence in the Matter now before you, between our Sovereign Lord the King's Majeſty, and the Priſoner to be tried:

So help you God.

VI. **And no Sentence of Death ſhall be given againſt any Offender in ſuch Caſe by any General Court-martial, unleſs Nine Officers preſent ſhall concur therein; and if there be more Officers preſent, then the Judgement ſhall paſs by the Concurrence of the major Part ſo ſworn, which major Part ſhall not be leſs than Nine, and not otherwiſe: And no Proceeding or Trial ſhall be had upon any Offence, but between the Hours of Eight of the Clock in the Morning, and One in the Afternoon.**

Nine Officers to concur, &c.

Hours of Trial.

VII. **Provided**

This Act not to exempt Soldiers from ordinary Proceſs; or extend to the Miltiia.

VII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to exempt any Officer or Soldier whatſoever, from being proceeded againſt by the ordinary Courſe of Law; or be any ways conſtrued to extend to concern any of the Militia Forces of this Kingdom, or of the Kingdom of Ireland.

Penalty on falſe Certificates to excuſe Soldiers from Muſters.

VIII. And for the preventing of Fraud and Deceit in the muſtering of Soldiers, be it further enacted by the Authority aforeſaid, That if any Perſon ſhall make or give, or procure to be made or given, any falſe or untrue Certificates, whereby to excuſe any Soldier for his Abſence from any Muſter, or any other Service, which he ought to attend or perform, upon Pretence of Sickneſs, or being employed in Recruits; that then every ſuch Perſon ſo making, giving, or procuring ſuch Certificate, ſhall forfeit for every ſuch Offence the Sum of Fifty Pounds, and ſhall be forthwith caſhiered and diſplaced from his Office, and ſhall be thereby utterly diſabled to have or hold any Military Office or Employment within this Realm, or in His Majeſty's Service; and no Certificate ſhall excuſe the Abſence of any Soldier, but for the Reaſons above mentioned, or One of them; and the Commiſſary of the Muſters is hereby directed to ſet down on the Roll, at the time of the taking of the Muſter, the Reaſons of the Abſence of ſuch Soldier reſpectively, and by whom certified; and not to ſet down any ſuch Excuſe, without View of ſuch Certificate.

Penalty on Officers making falſe Muſters, &c.

IX. And be it further enacted by the Authority aforeſaid, That every Officer that ſhall make any falſe or untrue Muſter of Man or Horſe; and every Commiſſary, Muſter-maſter, or other Officer, who ſhall wittingly or willingly allow or ſign the Muſter-roll, wherein ſuch falſe Muſter is contained, or any Duplicate thereof; upon Proof thereof upon Oath made by Two Witneſſes before a General Court-martial to be thereupon called (which is hereby authorized and required to adminiſter ſuch Oath) ſhall for ſuch Offence be forthwith caſhiered and diſplaced from ſuch his Office, and ſhall be thereby diſabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majeſty's Service, and ſhall likewiſe forfeit One hundred Pounds.

Fictitious Names allowed by His Majeſty's Order upon the Muſter-rolls, for the Maintenance of Officers Widows, not to be conſtrued a falſe Muſter.

X. And whereas His Majeſty hath been graciouſly pleaſed, in Compaſſion to the diſtreſſed Condition of ſeveral Widows of Officers of the Army, who have loſt their Lives in the Service in the late War, or during the late Rebellion, by Orders made under His Royal Sign Manual, to direct His Commiſſary-general of the Muſters to allow upon the Muſter-rolls of all the Regiments, Troops, and Companies, a Number of fictitious Names therein mentioned, inſtead of private Men, in order to raiſe and ſettle a Fund for the Maintenance of ſuch Widows of Officers, as are or ſhall be intitled to His Royal Bounty: And whereas His Majeſty has been graciouſly pleaſed, under His Royal Sign Manual, to give the like Directions to His Commiſſary-general of the Marines, and has appointed a Receiver for the Purpoſes aforeſaid, and directed the Paymaſter-general, and the Paymaſter of the Marines, by like Orders under His Sign Manual, to pay over the full Pay of ſuch fictitious private Men to ſuch Receiver, to be diſtributed to ſuch Widows, according to His Inſtructions in that Behalf; be it further enacted and declared by the Authority aforeſaid, That no Allowance of any ſuch fictitious Name upon any Muſter-roll, ſhall be conſtrued to be a falſe Muſter; any thing in this or any former Act contained to the contrary notwithſtanding.

Muſter-maſter to give Notice of Muſter to Mayor, &c.

XI. And be it further enacted by the Authority aforeſaid, That every Commiſſary or Muſter-maſter, upon any Muſter to be made, had, or taken by him or them, ſhall, by a convenient Time before ſuch Muſter made, give Notice to the Mayor, or other chief Magiſtrate or Officer of the Place where the ſaid Soldiers ſo to be muſtered ſhall be quartered; who is hereby required to be preſent at every ſuch Muſter, and give his utmoſt Aſſiſtance for the diſcovering any falſe or untrue Muſter there made, or offered to be made; and that every ſuch Commiſſary or Muſter-maſter, making or taking ſuch Muſter, that ſhall neglect to give ſuch Notice as aforeſaid, or ſhall refuſe to take the Aid and Aſſiſtance of ſuch Mayor, chief Magiſtrate, or Officers, where the Soldiers to be muſtered ſhall be quartered, ſhall forfeit the Sum of Fifty Pounds, and ſhall be diſcharged from his Office; and no Muſter-roll ſhall be allowed, unleſs the ſame be ſigned by the ſaid Mayor, or other chief Magiſtrate, or Officer reſpectively: But in caſe ſuch Mayor, chief Magiſtrate, or Officer ſhall not, upon due Notice given them, attend ſuch Muſter, or ſhall refuſe to ſign ſuch Muſter-roll, without giving good and ſufficient Reaſons for ſuch his Refuſal; that then the Commiſſary may proceed to muſter ſuch Regiment, Troop, or Company, without incurring the ſaid Penalty; and ſuch Muſter-roll ſhall be allowed, though not ſigned as aforeſaid; provided that Oath be made before any of His Majeſty's Juſtices of the Peace within Forty eight Hours after ſuch Muſter; and the ſaid Muſter-roll ſhall be then produced, and examined by the ſaid Juſtice of the Peace, who is hereby required to ſign the ſame, if there ſhall appear to be no good or ſufficient Objection to the ſame.

Penalty on Muſter-maſter neglecting to do.

Muſter Rolls to be ſigned by the Mayor, &c.

Penalty upon Perſons falſly muſtered.

XII. And be it further enacted by the Authority aforeſaid, That if any Perſon ſhall be falſly muſtered, or offer himſelf falſly or deceitfully to be muſtered; upon Proof thereof made upon Oath by Two Witneſſes before the next Juſtice of the Peace of the County where ſuch Muſter ſhall be made, and upon Certificate thereof in Writing under the Hand of the Commiſſary of the Muſters, or chief Magiſtrate, as aforeſaid, made to ſuch Juſtice of the Peace, the ſaid Juſtice is hereby authorized and required to commit ſuch Offender to the Houſe of Correction, there to remain for the Space of Ten Days; and if any Perſon ſhall wittingly or willingly lend or furniſh any Horſe to be muſtered, which ſhall not truly belong to the Trooper or Troop ſo muſtered; the ſaid Horſe ſo falſly muſtered ſhall be forfeited to the Informer, if the ſame doth belong to the Perſon lending or furniſhing the ſaid Horſe; or otherwiſe the Perſon lending or furniſhing the ſaid Horſe ſhall forfeit the Sum of Twenty Pounds, upon Oath made by Two Witneſſes before the next Juſtice of the Peace.

Horſes falſly muſtered, to be forfeited, &c.

Forfeiture how to be levied.

XIII. And be it further enacted by the Authority aforeſaid, That the ſaid Forfeiture ſhall be to ſuch Perſon or Perſons that ſhall inform, immediately to be paid out of the Arrears of ſuch Officer's Pay, as ſhall knowingly offend, upon Conviction before the Court-martial, by Order of the ſaid Court to the Paymaſter, if ſuch Officer ſo offending ſhall have any Arrears: And if there ſhall be no Arrear, the Court-martial ſhall immediately give Order to ſeize the Goods of ſuch Officer ſo offending, and ſell them for Payment of ſuch Forfeiture to the Informer, rendering the Overplus to the Owner; and if ſuch Officer ſo offending ſhall have no Goods, then he ſhall be ſent to the common Gaol, there to remain with-

out Bail or Mainprize for the Space of Six Months; and the said Court-martial is hereby obliged to discharge such Informer, if a Soldier, from any further Service, if he shall demand the same.

Penalty on Agent, &c. detaining Officer's or Soldier's Pay.

XIV. And be it further enacted, That if any Paymaster, Agent, or Clerk of any Garison, Regiment, Troop, or Company, shall wilfully detain or withhold, by the Space of One Month, the Pay of any Officer or Soldier (Cloaths and all other just Allowances being deducted) after such Pay shall be by him or them received; or if any Officers, having received their Soldiers Pay, shall refuse to pay each respective Non-commission Officer and Soldier their respective Pay, when it shall become due, at the Rate of Seventeen Shillings and six Pence per Week for each Corporal of Light-horse, Fourteen Shillings per Week for each Trumpeter and private Trooper, Nine Shillings and eleven Pence per Week for each Dragoon; Nine Shillings and four Pence per Week for each Serjeant, Six Shillings and two Pence per Week for each Corporal, Five Shillings per Week for each Drummer, Four Shillings per Week for each private Soldier of His Majesty's Three Regiments of Foot Guards; and Six Shillings per Week to each Serjeant, Four Shillings and six Pence per Week to each Corporal and Drummer, and Three Shillings per Week to each Foot-soldier of any other Regiment or Independent Company; and at the End of every Two Months, to account for One Shilling per Week to each Serjeant, and Two Pence per Week to each Corporal and Drummer, and Six Pence per Week to each Foot-soldier; the said One Shilling per Week, Two Pence per Week, and Six Pence per Week, being the Remainder of the Subsistence of each Serjeant, Corporal, Drummer, and Foot-soldier; then, upon Proof thereof before a Court-martial as aforesaid, or a Court of General Officers to be for that Purpose held and summoned by His Majesty's Order, every such Paymaster, Agent, Clerk, and Officer so offending, shall be discharged from his Employment, and shall forfeit to the Informer, upon Conviction before either of the said Courts, One hundred Pounds, to be levied as aforesaid; and shall be utterly disabled to have or hold any civil Office or Employment within this Kingdom, or in His Majesty's Service; and the Informer, if a Soldier (if he demands it) shall be, and is hereby discharged from any further Service; any thing in this Act contained to the contrary notwithstanding.

Weekly Rates.

Penalty on Agents not obeying Orders of the King, or Lord Treasurer.

XV. And for the better Execution hereof, and that a true and regular Account may be kept and rendered by the Agents of the several Regiments, and Independent Troops and Companies, the said Agents are hereby required and directed to observe such Orders and Directions, as shall from time to time be given by His Majesty, under His Sign Manual, or by the Lord Treasurer, or Commissioners of the Treasury for the time being; and if any Agent shall refuse or neglect to observe and comply with such Orders and Directions, he shall be discharged from his Office, and be utterly disabled to have or hold any such Office in His Majesty's Service.

Surgeon, &c. within 10 Miles of *London*, &c. to certify who are sick; and Commanding Officer, who are employed in raising Recruits.

XVI. And it is hereby enacted, That the Surgeon, or his Mate, shall within the Cities of London and Westminster and Ten Miles of the same certify upon Oath to the Muster-master, that he hath actually seen such Persons as he certifies to be sick; and such Commanding Officer shall also certify the Names of such others, as shall be employed in raising of Recruits: And if such Certificate shall prove false, upon Conviction thereof before a Court-martial, the Officer signing such Certificate shall suffer such Penalties, and in such Manner, as is declared and inflicted by this Act upon those who shall make false Musters: And the Commissary of the Musters is hereby directed to insert in the Docket annexed to the Muster-roll, the Place where, and precise Day when every Muster-roll is taken.

Penalty on Officer mustering Persons by wrong Names.

XVII. And it is enacted, That if any Officer or Commissary shall muster any Person by a wrong Name knowingly, upon Conviction thereof before a General Court-martial, the said Officer or Commissary shall suffer such Penalties, and in such Manner, as is declared and inflicted by this Act upon those who shall make false Musters.

XVIII. And whereas by the *Petition of Right*, in the Third Year of King *Charles* the First, it is enacted and declared, That the People of this Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of Parliament made in the One and thirtieth Year of the Reign of King *Charles* the Second, for granting a Supply to his Majesty of Two hundred and six thousand four hundred sixty two Pounds, seventeen Shillings, and three Pence, for paying and disbanding the Forces, it is declared and enacted, That no Officer, Civil or Military, nor other Person whatsoever, should from thenceforth presume to place, quarter, or billet any Soldier or Soldiers upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent; and that it shall and may be lawful for any Subject, Sojourner, or Inhabitant, to refuse to quarter any Soldier or Soldiers, notwithstanding any Demand, or Warrant, or Billetting whatsoever: But forasmuch as at this Time, and during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies, in several Parts of this Kingdom; be it further enacted by the Authority aforesaid, That for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for the Constables, Tythingmen, Headboroughs, and other chief Officers and Magistrates of Cities, Towns, and Villages, and other Places within England, Wales, and the Town of Berwick upon Tweed, and in their Default or Absence for any One Justice of the Peace inhabiting in or near any such City, Town, Village, or Place, and for no others, to quarter and billet the Officers and Soldiers in His Majesty's Service, in Inns, Livery-stables, Ale-houses, Victualling-houses, and all Houses of Persons selling Brandy, Strong Waters, Cyder, or Metheglin, by Retale, to be drunk in Houses, other than and except the House or Houses of any Distillers, who keep Houses or Places of distilling Brandy, or Strong Waters, and the House of any Shopkeeper, whose principal Dealings shall be more in other Goods and Merchandizes than in Brandy and Strong Waters (so as such Distillers and Shopkeepers do not permit or suffer Tipling in his or their Houses) and no other, and in no private Houses whatsoever; nor shall any more Billets at any Time be ordered, than there are effective Soldiers present to be quartered: And if any Constable, Tythingman, or such like Officer or Magistrate as aforesaid, shall presume to quarter or billet any such Officer or Soldier in any private House, without the Consent of the Owner or Occupier; in such Case such Owner or Occupier shall have his or

Constables, &c. to quarter Soldiers in Inns, Ale-houses, &c.

5 Mod. 427.

But in no Distillers House, or Shopkeepers, or in any private House.

Penalty on Constables, &c. quartering Soldiers in private Houses, &c.

Penalty on Officers quartering Soldiers otherwise than by this Act.

or their Remedy at Law against such Magistrate or Officer, for the Damage that such Owner or Occupier shall sustain thereby; and if any Military Officer shall take upon him to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers before mentioned, tending to deter or discourage any of them from performing any Part of their Duty hereby required or appointed, such Military Officer shall for every such Offence (being thereof convicted before any Two or more of the next Justices of the Peace of the County by the Oath of Two credible Witnesses) be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any Military Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter Sessions of the Peace for the said County, and a Certificate thereof be transmitted to the Judge-advocate, who is hereby obliged to certify the same to the next Court-martial: And in case any Person or Persons shall find himself, herself, or themselves aggrieved, in that such Constable, Tythingman, or Headborough, chief Officer, or Magistrate (such chief Officer or Magistrate not being a Justice of the Peace) has quartered or billetted in his House a greater Number of Soldiers, than he ought to bear in Proportion to his Neighbours, and shall complain thereof to One or more Justice or Justices of the Peace of the Division, City, or Liberty where such Soldiers are quartered; or in case such chief Officer or Magistrate shall be a Justice of the Peace, then on Complaint made to Two or more Justices of the Peace of such Division, City, or Liberty, such Justice or Justices respectively shall have, and have hereby Power to relieve such Person or Persons, by ordering such and so many of the Soldiers to be removed, and quartered upon such other Person or Persons, as they shall see cause; and such other Person or Persons shall be obliged to receive such Soldiers accordingly.

Persons aggrieved may complain to the Justices, and be relieved.

No Justice, having any military Office, to be concerned in billeting his Soldiers.

XIX. Provided also, and be it further enacted, That no Justice or Justices of the Peace, having or executing any Military Office or Commission in that Part of Great Britain called England, shall or may, during the Continuance of this Act, directly or indirectly be concerned in the quartering, billetting, or appointing any Quarters for any Soldier or Soldiers in the Regiment, Troop, or Company, under the immediate Command or Commands of such Justice or Justices, according to the Disposition made for quartering of any Soldier or Soldiers by virtue of this Act; but that all Warrants, Acts, Matters, or Things, executed or appointed by such Justice or Justices of the Peace, for or concerning the same, shall be void; any thing in this Act contained to the contrary notwithstanding.

Officers and Soldiers to pay Rates for their Provisions.

XX. Provided nevertheless, and it is hereby enacted, That the Officers and Soldiers so quartered and billetted as aforesaid, shall be received, and furnished with Diet and Small Beer by the Owners of the Inns, Livery-stables, Ale-houses, Victualling-houses, and other Houses, in which they are allowed to be quartered and billetted by this Act; paying and allowing for the same the several Rates herein after mentioned to be payable out of the Subsistence-money for Diet and Small Beer.

What Innholders may allow Soldiers quarter'd on them, instead of Meat,

but at their own Expence

XXI. Provided always, That in case any Innholder or other Person on whom any Non-commission Officers or Soldiers shall be quartered by virtue of this Act (except on a March) shall be desirous to furnish such Non-commission Officers or Soldiers with Candles, Vinegar, and Salt, and with either Small Beer or Cyder, not exceeding Three Quarts per Diem, gratis, and to allow to such Non-commission Officers or Soldiers the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the Commanding Officer, and shall furnish and allow the same accordingly; then and in such Case the Non-commission Officers and Soldiers so quartered shall provide their own Victuals, and the Officer to whom it belongs to receive, or that does actually receive the Pay and Subsistence of such Non-commission Officers and Soldiers, shall pay the several Sums herein after mentioned to be payable out of the Subsistence-money for Diet and Small Beer to the Non commission Officers and Soldiers aforesaid, and not to the Innholder or other Person on whom such Non-commission Officers or Soldiers are quartered; any thing herein contained to the contrary notwithstanding.

Penalty on Officers taking Money, &c.

XXII. Provided always, and be it enacted by the Authority aforesaid, That if any Officer shall take or cause to be taken, or knowingly suffer to be taken, any Money of any Person, for excusing the Quartering of Officers or Soldiers, or any of them, in any House allowed by this Act; every such Officer shall be cashiered, and be incapable of serving in any Military Employment whatsoever.

Dragoons, &c. and their Horses, to be billeted in the same House.

XXIII. And whereas great Inconveniencies have arisen, and may arise, in such Places where Horse or Dragoons are or may be quartered, by the billetting of the Men and their Horses at different Houses, and often at great Distances from one another, contrary to the true Intent and Meaning of this Act; be it therefore enacted by the Authority aforesaid, That in all Places where Horse or Dragoons shall be quartered or billetted in pursuance of this Act, for the future the Men and their Horses shall be billetted in one and the same House (except in case of Necessity) and that in no Case whatsoever there be less than One Man billetted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in Proportion for a greater Number.

Officers, &c. to be quartered in *Scotland*, as by the Laws in *Scotland* in Force at the Union.

XXIV. And be it enacted by the Authority aforesaid, That it shall and may be lawful to quarter Officers and Soldiers in Scotland, in such and the like Places and Houses, as they might have been quartered in, and that the Possessors of such Houses shall only be liable to furnish the said Officers and Soldiers quartered there, as by the Laws in Scotland in Force at the Time of the Union was provided; and that no Officer shall be obliged to pay for his Lodging, where he shall be regularly billeted, except in the Suburbs of Edinburgh.

No Paymaster, &c. to make Deductions out of Officers or Soldiers Pay.

XXV. And be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of March, One thousand seven hundred and forty, no Paymaster-general, or Paymaster of the Army, Paymaster of the Marines, Secretary at War, Commissary, or Muster-master, or any other Officer whatsoever, or their Under-officers, shall receive any Fees, or make any Deductions whatsoever out of the Pay of any Officer or Soldier in his Majesty's Army, or from their Agents, which shall grow due from and after the said Twenty fourth Day of March, One thousand seven hundred and forty, other than the usual

Deductions

Deductions for Cloathing, and the Twelve Pence in the Pound to be disposed of as His Majesty shall think fit, and the One Day's Pay in the Year for the Use of the Royal Hospital at Chelsea, and such other necessary Deductions as shall from time to time be directed by His Majesty under his Royal Sign Manual. Exceptions.

XXVI. And for the Encouragement of the due and well Cloathing of the Troops, be it hereby further enacted, That the Lord High Treasurer, or the Commissioners of the Treasury for the time being, may, if he or they see convenient, at the End of every Two Months, issue the Money due for the Cloathing to the several Regiments, Troops, and Companies, notwithstanding the Muster-rolls have not been duly returned: And the respective Paymasters are hereby directed to make Deductions of all the Off-reckonings, and to pay the same to such Person or Persons only as have a regular Assignment for Cloaths by him or them delivered to the said Regiment, Troop, or Company, and the Receipt of such Person or Persons, having, or being lawfully intitled to such Assignment, to be from time to time taken for the same; and when no such Assignment appears, the Off-reckonings to remain in the Hands of the said Paymaster respectively, for the Use of the Regiment, Troop, or Company, until a new Contract for Cloathing and Assignment is made. Treasury may issue the Money due for Cloathing every 2 Months. Paymasters to deduct the Off-reckonings.

XXVII. And that the Quarters both of Officers and Soldiers in Great Britain may be hereafter duly paid and satisfied, and His Majesty's Duties of Excise better answered, be it enacted by the Authority aforesaid, That from and after the said Twenty fourth Day of March, One thousand seven hundred and forty, every Officer to whom it belongs to receive, or that does actually receive the Pay or Subsistence-money, either for a whole Regiment, or particular Troops and Companies, or otherwise, shall immediately upon each Receipt of every particular Sum, which shall from time to time be paid, returned, or come to his or their Hands, on Account of Pay or Subsistence, give publick Notice thereof to all Persons keeping Inns, or other Places, where Officers or Soldiers are quartered by virtue of this Act; and shall also appoint the said Innkeepers, and others, to repair to their Quarters at such Times as they shall appoint, for the Distribution and Payment of the said Pay or Subsistence-money to the Officers or Soldiers, which shall be within Four Days at the farthest after the Receipt of the same as aforesaid: And the said Innkeepers and others shall then and there acquaint such Officer or Officers with the Accounts or Debts (if any shall be) between them and the Officers and Soldiers so quartered in their respective Houses; which Accounts the said Officer or Officers are hereby required to accept of, and immediately pay the same, before any Part of the said Pay or Subsistence be distributed, either to the Officers or Soldiers: Provided the said Accounts exceed not, for a Commission Officer of Horse, being under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, Two Shillings; nor for One Commission Officer of Dragoons, being under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, One Shilling; nor for One Commission Officer of Foot, under the Degree of a Captain, for such Officer's Diet and Small Beer, per Diem, One Shilling; and if such Officer shall have a Horse or Horses, for each such Horse or Horses, for their Hay and Straw, per Diem, Six Pence; nor for One Light Horseman's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horse, per Diem, Six Pence; nor for One Dragoon's Diet and Small Beer, per Diem, Six Pence; and Hay and Straw for his Horse, per Diem, Six Pence; nor for One Foot-soldier's Diet and Small Beer, per Diem, Four Pence: And if any Officer or Officers as aforesaid, shall not give Notice as aforesaid, and shall not immediately, upon producing such Account stated, satisfy, content, and pay the same, upon Complaint and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were (which Oath the Justices of the Peace at such Sessions are hereby authorized and required to administer) the Paymaster or Paymasters of His Majesty's Guards and Garisons, and Marines, are hereby required and authorized (upon Certificate of the said Justices, before whom such Oath was made, of the Sum due upon such Accounts, and the Persons to whom the same is owing) to pay and satisfy the said Sums out of the Arrears due to the said Officer or Officers, upon Penalty that such Paymaster or Paymasters shall forfeit their respective Place or Places of Paymaster or Paymasters, and be discharged from holding the same for the future. And in case there shall be no Arrears due to the said Officer or Officers, then the said Paymaster or Paymasters are hereby authorized and required to deduct the Sums he or they shall pay, pursuant to the Certificate of the said Justices, out of the next Pay or Subsistence-money of the Regiment to which such Officer or Officers shall belong; and such Officer or Officers shall, for such their Offence, or for neglecting to give Notice of the Receipt of such Pay or Subsistence-money as aforesaid, be deemed and taken, and are hereby declared ipso facto cashiered. And where it shall happen, that the Subsistence-money, due to any Officer or Soldier, shall by Occasion of any Accident not be paid to such Officer or Soldier, or such Officer or Soldier shall neglect to pay the same, so that Quarters cannot be, or are not paid, as this Act directs; and where any Horse, Foot, or Dragoons, shall be upon their March, so that no Subsistence can at present be remitted to them, to make Payment as this Act directs, or they shall neglect to pay the same; in every such Case it is hereby further enacted, That every such Officer shall, before his or their Departure out of his or their Quarters, where such Regiment, Troop, or Company shall remain for any Time whatsoever, make up the Accounts, as this Act directs, with every Person, with whom such Regiment, Troop, or Company shall have quartered, and sign a Certificate thereof, and give the said Certificate so by him signed, to the Party to whom such Money is due, with the Name of such Regiment, Troop, or Company, to which he or they shall belong; to the End the said Certificate may be forthwith transmitted to the Paymaster of His Majesty's Guards and Garisons, or to the Paymaster of the Marines, who are hereby required immediately to make Payment thereof to the Person or Persons to whom such Money shall be due, to the End the same may be applied to such Regiment, Troop, or Company respectively, under Pain as is before in this Act directed for Non-payment of Quarters. Officers to give Notice to Innkeepers of Subsistence-money in their Hands. Rates of Subsistence to be paid to Innkeepers, &c. for Soldiers Quarters. Penalty on Officers not paying Subsistence-money. On Non-payment of Quarters, the Officer to make up Accounts, &c.

XXVIII. And be it further enacted, That no Commissary shall muster any Regiment, Troop, or Company, within the City of Westminster, and Borough of Southwark, and Liberties No Muster in *Westminster*, &c. but in the Presence of Two Justices.

berties thereof, but in the Presence of Two or more Justices of the Peace, not being Officers of the Army, under the before mentioned Penalty; unless such Justices, upon Forty eight Hours Notice given to Six of His Majesty's Justices of the Peace, residing within the City and Liberties aforesaid respectively, shall neglect to attend such Muster; and in case of such Neglect, such Commissary may proceed to muster such Regiment, Troop, or Company: Provided that Oath be made before any of His Majesty's Justices of the Peace, within Forty eight Hours after such Muster taken, that such Notice was given to Six Justices of the Peace as aforesaid: Which Justices so attending are hereby impowered to sign the said Muster-rolls, and to take Cognizance of such Muster, and to examine the Truth thereof, before they sign the same.

Constables, &c. may billet Soldiers in *Westminster*, &c.

XXIX. And be it further enacted and declared by the Authority aforesaid, That it shall and may be lawful to and for the High-constables, Petty-constables, Headboroughs, and Tythingmen within the said City and Liberties of Westminster, and Places adjacent, when thereunto lawfully required, to billet and quarter the Officers and Soldiers of His Majesty's said Regiments of Foot-guards, in such Houses only, as by this Act are limited, in and about the said City and Liberties of Westminster, and Places adjacent (except the City of London) during the Continuance of this Act.

This Act to extend to *Jersey* and *Guernsey*.

XXX. And be it further enacted by the Authority aforesaid, That this Act shall be construed to extend to the Islands of Jersey and Guernsey, as to the Clauses therein for mustering and paying, and the Penalties thereunto belonging.

Muster-rolls to be closed on Day of Muster,

and returned to the Paymaster of the Forces, &c.

XXXI. And be it further enacted by the Authority aforesaid, That the Commissary-general of the Musters, or his Deputies, shall, upon every Muster taken by him or them respectively, of any Regiment, Troop, or Company, in His Majesty's Service, close the Muster-rolls of the said Regiment, Troop, or Company, upon the Place, the same Day the Muster is taken; and shall return One of every of the said Rolls so taken, in Parchment, to the Paymaster-general of His Majesty's Guards and Garisons, or to such Paymaster respectively, under whose Care the Payment of such Forces shall be; and one of the said Rolls so taken, to the Comptroller or Comptrollers of the Accounts of the Army, the Fourth Day after the said Rolls shall respectively be closed, if in London or within Twenty Miles Distance from the same; and if at further Distance, by the next Post after the said Rolls shall be respectively closed: And no Alterations or Indorsement shall be made in or upon the said Muster-rolls, other than in the Case of Orders of Leave, or Dates of Commissions, and other than involuntary Errors or literal Mistakes in Writing or transcribing the said Muster-rolls, upon Pain of forfeiting their respective Employments, and the Sum of Twenty Pounds to any Person that will sue for the same, for every such Offence.

Penalty.

Justices may order Constables to provide Carriages.

XXXII. And be it further enacted by the Authority aforesaid, That for the better and more regular Provision of Carriages for His Majesty's Forces in their Marches, or for their Arms, Cloaths, and Accoutrements in England, Wales, and Town of Berwick upon Tweed, all Justices of the Peace, within their several Counties, Ridings, Divisions, Shires, Liberties, and Precincts, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master-general, or Lieutenant-general of His Majesty's Ordnance, shall as often as such Order is brought and shewn unto One or more of them, by the Quarter-master, Agent, or other Officer of the Regiment, Detachment, Troop or Company so ordered to march, issue out his or their Warrants to the Constables, or Petty-constables of the Division, Riding, City, Liberty, Hundred, and Precinct, from, through, near, or to which such Regiment, Detachment, Troop, or Company shall be ordered to march; requiring them to make such Provision for Carriages, with able Men to drive the same, as is mentioned in the said Warrant, allowing them sufficient Time to do the same, that the neighbouring Parts may not always bear the Burthen: And the aforesaid Officer or Officers, who by Virtue of the aforesaid Warrant from the Justices of the Peace are to demand the Carriage or Carriages therein mentioned, of the Constable to whom the Warrant is directed, is and are hereby required at the same Time, to pay down in Hand to the said Constable, for the Use of the Person who shall provide such Carriages and Men, the Sum of One Shilling for every Mile any Waggon with Five Horses shall travel; and the Sum of One Shilling for every Mile any Wain with Six Oxen, or Four Oxen with Two Horses, shall travel; and the Sum of Nine Pence for every Mile any Cart with Four Horses shall travel; and so in Proportion for less Carriages: And such Constable, or Petty-constable, shall order and appoint such Person or Persons, having Carriages within their respective Liberties, as they shall think proper, to provide and furnish such Carriages and Men, according to the Warrant aforesaid, who are hereby required to provide and furnish the same accordingly: And if any military Officer or Officers, for the Use of whose Troop or Company the Carriage was provided, shall force and constrain any Waggon, Wain, Cart, or Carriage, to travel more than One Day's Journey, or shall not discharge the same in due Time for their return Home, or shall suffer or connive at his, or the Soldiers or Servants (except such as are sick) or any Woman to ride in the Waggon, Wain, Cart, or Carriage aforesaid, or shall force any Constable, or Petty-constable, by Threatnings, or menacing Words, to provide Saddle-horses for themselves or Servants, or shall force Horses from their Owners, by themselves, Servants, or Soldiers; every such Officer for every such Offence shall forfeit the Sum of Five Pounds; Proof thereof being made upon Oath before Two of His Majesty's Justices of the Peace of the same County or Riding, who are to certify the same to the Paymaster-general, or other respective Paymaster of His Majesty's Forces, who is hereby required to pay the aforesaid Sum of Five Pounds, according to the Order and Appointment under the Hands and Seals of the aforesaid Justices of the Peace of the same County or Riding, who are hereby impowered to deduct the same out of such Officer's Pay.

Rates for Carriages.

Penalty on Officers forcing Waggons to travel more than One Day's Journey, &c.

XXXIII. And

XXXIII. And be it enacted by the Authority aforesaid, That if any High-constable or Petty-constable shall wilfully neglect or refuse to execute such Warrants of the Justices of the Peace, as shall be directed unto them for providing Carriages as aforesaid; or if any Person or Persons, appointed by such Constable or Petty-constable to furnish any Carriage and Man, shall refuse or neglect to provide the same, or any other Person or Persons whatsoever shall wilfully do any Act or Thing, whereby the Execution of the said Warrants shall be hindred or frustrated; every such Constable, or other Person or Persons so offending, shall for every such Offence forfeit any Sum not exceeding Forty Shillings, nor less than Twenty Shillings, to the Use of the Poor of the Parish where any such Offence shall be committed: And all and every such Offence and Offences shall and may be enquired of, heard, and fully determined by Two of His Majesty's Justices of the Peace, dwelling in or near the Place where such Offence shall be committed, who have hereby Power to cause the said Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus, if any, to the Owner. Penalty on Constables, &c. neglect.

XXXIV. And whereas the respective Sums of Money by this Act appointed to be paid to the Constable by the Officers demanding such Carriages, are not in many Cases sufficient to answer the Charge and Expences of providing the same, insomuch that the said Constables are frequently at great Charges, over and above what is received by them of the said Officers, to the great Burthen of the Township of which he is Constable, or else the Persons performing such Carriages are grievously oppressed: For Remedy whereof, and that the said overplus Charge may be borne by each County or Riding, at the General Charge of such County or Riding, be it further enacted by the Authority aforesaid, That the Treasurer or Treasurers of each respective County or Riding shall, without Fee or Reward, pay unto such Constable or Constables all and every such reasonable Sum or Sums of Money, so by him or them paid or laid out for such Carriages, over and above what was or ought to have been paid by the Officer requiring such Carriages, out of the publick Stock of such County or Riding, according to such Rates, Orders, Rules, and Directions, as the said Justices of the Peace, in their Quarter-sessions assembled within their respective Jurisdictions, shall from time to time during the Continuance of this Act, make, direct, or appoint (which Orders shall be made without Fee or Reward) Regard being always had to the Season of the Year, and the Length and Condition of the Ways by and through which such Carriages are to travel. Treasurers of the County to repay the Constables extraordinary Charges.

XXXV. And in case the said publick Stock of the County or Riding be not sufficient (over and above the other Purposes for which it was raised) to satisfy the extraordinary Charges of Carriages before mentioned; it is hereby further enacted, That the said Justices of the Peace in the General Quarter-sessions shall have Power, from time to time, to raise Monies upon their respective Counties or Ridings, in such Manner as they now raise Money for County Gaols and Bridges, to satisfy the said extraordinary Charge of Carriages. The Money how to be raised.

XXXVI. Provided always, and be it further enacted, That no Waggon, Wain, Cart, or Carriage, impressed by Authority of this Act, shall be liable or obliged, by Virtue of this Act, to carry above Twenty hundred Weight; any thing in this Act contained to the contrary notwithstanding. No Waggon, &c. to carry above 20 hundred Weight.

XXXVII. And be it further enacted, That the Carriages for the Service of the Forces, from time to time quartered or marching in Scotland, shall be provided in like Manner, and at the Rates, and the Furnisher of such Carriages shall be paid, as was directed by the Law in Force in Scotland at the Time of the Union. Carriages in *Scotland* how to be provided.

XXXVIII. And whereas great Abuses are frequently committed by the Liberty taken by some Officers and Soldiers to quarter their Wives, Children, and Maid-servants, in their Quarters, contrary to the Purport and Meaning of this Act; be it enacted by the Authority aforesaid, That if any Officer, Military or Civil, by this Act authorized to quarter Soldiers in any Houses hereby appointed for that Purpose, shall at any time, during the Continuance of this Act, quarter any of the Wives, Children, or Maid-servants of Officer or Soldier in any such Houses, against the Consent of the Owners; the Party offending, if Officer or Soldier of the Army, shall upon Complaint and Proof thereof made to the Commander in chief of the Army, or Judge-advocate, be ipso facto cashiered; and if a Constable, Tythingman, or other Civil Officer, he shall forfeit to the Party grieved Twenty Shillings, upon Complaint and Proof thereof made to the next Justice of the Peace, to be levied by Warrant of such Justice, by Distress and Sale of his Goods, rendering the Overplus to the Party, after deducting reasonable Charges in taking the same. Soldiers Wives, &c. not to be quartered without Consent. Penalty.

XXXIX. And for the better Preservation of the Game in or near such Place where any Officers or Soldiers shall at any time be quartered; be it enacted by the Authority aforesaid, That if from and after the said Twenty fourth Day of March, One thousand seven hundred and forty, any Officer or Soldier shall, without Leave of the Lord of the Manor under his Hand and Seal first had and obtained, take, kill, or destroy any Hare, Coney, Pheasant, Partridge, Pidgeon, or any other Sort of Fowls, Poultry, or Fish, or His Majesty's Game, within the Kingdom of Great Britain, and upon Complaint thereof shall be upon Oath of One or more credible Witness or Witnesses convicted before any Justice of the Peace, who is and are hereby impowered and authorized to hear and determine the same (that is to say) every Officer so offending shall for every such Offence forfeit the Sum of Five Pounds to be distributed among the Poor of the Place where such Offence shall be committed; and every Officer commanding in chief upon the Place, for every such Offence committed by any Soldier under his Command, shall forfeit the Sum of Twenty Shillings, to be paid and distributed in Manner aforesaid: And if upon such Conviction made by the Justices of the Peace, and Demand thereof also made by the Constable or Overseers of the Poor, such Officer shall refuse or neglect, and not within Two Days pay the said respective Penalties; such Officer so refusing or neglecting shall forfeit, and is hereby declared Penalty on Officers or Soldiers destroying the Game.

clared to have forfeited his Commiſſion, and his Commiſſion is hereby declared to be null and void,

How the Account of every Regiment ſhall be kept.

XL. And be it enacted, That there ſhall be an exact Account of all Monies due, according to the Muſter-rolls, to every Regiment in His Majeſty's Service, made between the Paymaſter-general, or other reſpective Paymaſters of the Forces for the time being, and the Colonel of every ſuch Regiment, or the Agent by ſuch Colonel reſpectively appointed and authorized to receive the Pay thereof, from time to time (that is to ſay) when Four Months become due, an Account ſhall be ſtated as aforeſaid, for the Two preceding Months; and after the ſaid Account ſhall be ſo made up and perfected, it ſhall be regiſtered in a Book to be kept for that Purpoſe in the Pay-office, and there ſubſcribed by ſuch Paymaſter-general, or other reſpective Paymaſter, or his Deputy, and the Colonel or Agent of the Regiment, who together with the ſaid Paymaſter made up the ſame; and a Duplicate thereof, by them reſpectively ſigned, ſhall be given to the ſaid Colonel or Agent, without any Fee or Reward to be paid for the ſame: Which Colonel or Agent ſhall deliver to each Captain of the Regiment an Account of ſo much thereof, as reſpectively appertaineth to him, and his Troop or Company, and the inferior Officers or Soldiers thereof; and the Balance, which ſhall remain upon making up every ſuch Account as aforeſaid, and alſo all other Money, as then ſhall become due to every ſuch Regiment, ſhall be, by the ſaid Paymaſter-general, or other reſpective Paymaſter, paid to the ſaid Colonel or Agent reſpectively, at ſuch Time as His Majeſty ſhall direct: And the Paymaſter-general, or other reſpective Paymaſter for the time being, offending herein, ſhall forfeit for every ſuch Offence One hundred Pounds to any Perſon or Perſons, who ſhall inform or ſue for the ſame in any of His Majeſty's Courts of Record. And if any Deputy of the ſaid Paymaſter, or any Agent of a Regiment, ſhall offend in the Premiſſes, upon Proof thereof made, ſuch Deputy or Agent ſhall *ipſo facto* loſe his Place, and be incapable of that or any other Office for the future, and ſhall be liable to pay Two hundred Pounds to any other Perſon who ſhall inform or ſue for the ſame, by Action, Bill, Suit, or Information, in any Court of Record at Weſtminſter, wherein no Eſſoign, Protection, Wager of Law, or more than one Imparlance ſhall be allowed: And if any Colonel of a Regiment ſhall offend therein, ſuch Colonel ſhall forfeit for every ſuch Offence One hundred Pounds to any Perſon or Perſons, who ſhall ſue for the ſame, to be recovered as aforeſaid.

Penalty on Paymaſter, &c.

Penalty on Colonels.

XLI. And whereas ſeveral Soldiers, being duly liſted, do afterwards deſert, and are often found wandering, or otherwiſe abſenting themſelves illegally from His Majeſty's Service; it is hereby further enacted, That it ſhall and may be lawful to and for the Conſtable, Headborough, or Tythingmen of the Town or Place, where any Perſon, who may be reaſonably ſuſpected to be ſuch a Deſerter, ſhall be found, to apprehend, or cauſe him to be apprehended, and to cauſe ſuch Perſon to be brought before any Juſtice of the Peace, living in or near ſuch Town or Place, who hath hereby Power to examine ſuch ſuſpected Perſon; and if by his Confeſſion, or the Teſtimony of One or more Witneſs or Witneſſes upon Oath, or by the Knowledge of ſuch Juſtice of the Peace, it ſhall appear or be found that ſuch ſuſpected Perſon, is a liſted Soldier, and ought to be with the Troop or Company to which he belongs; ſuch Juſtice of the Peace forthwith ſhall cauſe him to be conveyed to the Gaol of the County or Place where he ſhall be found, and tranſmit an Account thereof to the Secretary at War for the time being, to the End ſuch Perſon may be proceeded againſt according to Law.

Juſtices may commit Deſerters.

XLII. And for the better Encouragement of any Perſon or Perſons to ſecure or apprehend ſuch Deſerters as aforeſaid; be it further enacted by the Authority aforeſaid, That ſuch Juſtice of the Peace ſhall alſo iſſue his Warrant in Writing to the Collector or Collectors of the Land-tax Money, of the Pariſh where ſuch Deſerter ſhall be apprehended, for paying out of the Land-tax Money ariſen or to ariſe in the Year One thouſand ſeven hundred and forty one, to the Hands of ſuch Perſon who ſhall apprehend, or cauſe to be apprehended any Deſerter from His Majeſty's Service, the Sum of Twenty Shillings for every Deſerter that ſhall be ſo apprehended and committed; which Sum of Twenty Shillings ſhall be ſatisfied by ſuch Collector, to whom ſuch Warrant ſhall be directed, and allowed upon his Account.

Reward for taking up Deſerters.

XLIII. Provided always, That if any Perſon ſhall harbour, conceal, or aſſiſt any Deſerter from his Majeſty's Service, knowing him to be ſuch; the Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds; or if any Perſon ſhall knowingly buy or exchange, or otherwiſe receive any Arms, Cloaths, Caps, or other Furniture belonging to the King, from any Soldier or Deſerter, upon any Account or Pretence whatſoever, or cauſe the Colour of ſuch Cloaths to be changed; the Perſon ſo offending ſhall forfeit for every ſuch Offence the Sum of Five Pounds, and upon Conviction by the Oath of One or more credible Witneſs or Witneſſes, before any of His Majeſty's Juſtices of the Peace, the ſaid reſpective Penalties of Five Pounds, and Five Pounds, ſhall be levied by Warrant under the Hands of the ſaid Juſtice or Juſtices of the Peace, by Diſtreſs and Sale of the Goods and Chattels of the Offender; One Moiety of the ſaid firſt mentioned Penalty of Five Pounds to be paid to the Informer, by whoſe Means ſuch Deſerter ſhall be apprehended, and One Moiety of the ſaid laſt mentioned Penalty of Five Pounds to be paid to the Informer; and the Reſidue of the ſaid reſpective Penalties to be paid to the Officer to whom any ſuch Deſerter or Soldier did belong. And in caſe any ſuch Offender who ſhall be convicted as aforeſaid, of harbouring or aſſiſting any ſuch Deſerter or Deſerters in Ireland, or having there knowingly received any Arms, Cloaths, Caps, or other Furniture belonging to the King, or of having cauſed the Colour of ſuch Cloaths to be changed, contrary to the Intent of this Act, ſhall not have ſufficient Goods and Chattels whereon Diſtreſs may be made, to the Value of the Penalties recovered againſt him for ſuch Offence, or ſhall not pay ſuch Penalties within Four Days after ſuch Conviction; then and in ſuch Caſe ſuch Juſtice of the Peace ſhall and may by Warrant under his Hand and Seal, either commit

Penalty on Perſons concealing Deſerters, or buying their Arms, Cloaths, &c.

ſuch

such Offender to the common Gaol, there to remain without Bail or Mainprize for the Space of Three Months, or cause such Offender to be publickly whipt, at the Discretion of such Justice.

XLIV. Provided always, That no Commission Officer shall break open any House, to search for Deserters, without Warrant from a Justice of Peace; and that every Commission Officer, who shall, without Warrant from One or more of His Majesty's Justices of the Peace (which said Warrants the said Justice or Justices are hereby impowered to grant) forcibly enter into, or break open the Dwelling-house or Out-houses of any Person whatsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds. Penalty on Officer breaking open House without Warrant.

XLV. Provided always, That it shall and may be lawful to and for His Majesty to form, make, and establish Articles of War for the better Government of His Majesty's Forces, and for bringing Offenders against the same to Justice; and to erect and constitute Courts-martial, with Power to try, hear, and determine any Crime or Offence by such Articles of War, and inflict Penalties by Sentence or Judgement of the same, as well within the Kingdoms of Great Britain and Ireland, as in the Island of Minorca, His Majesty's Garison of Gibraltar, and in any of His Majesty's Dominions beyond the Seas. His Majesty may make Articles of War

XLVI. Provided always, and be it further enacted, That if any Officer or Soldier shall desert His Majesty's Service in any of His Dominions beyond the Seas, or elsewhere beyond the Seas, and shall escape and come into this Realm, or Ireland, before he be tried by a Court-martial for such Offence, and shall be apprehended for the same; such Officer or Soldier shall be tried for the same, as if the said Offence had been committed within this Realm. Deserters beyond Sea may be tried here, or in *Ireland*.

XLVII. Provided always, That so much of this Act as relates to the Punishment of Mutineers and Deserters within this Realm, and such who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Cloaths, Caps, or other Furniture, belonging to the King, from any Soldier or Deserter, or cause the Colour of such Cloaths to be changed, shall extend, to all Intents and Purposes whatsoever, to such Governors, or other Officers in Garisons and Forces, as His Majesty has now in Pay, or shall have in Pay in Ireland, and shall be put in Execution in that Kingdom, by all Justices of the Peace, and other Officers respectively, according to the Tenor of, and during the Continuance of this Act. This Act to extend to Mutineers, &c. in *Ireland*.

XLVIII. Provided also, That no Person or Persons being acquitted or convicted of any capital Crimes, Violences, or Offences, by the Civil Magistrate, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering. Persons acquitted by the civil Magistrate, may only be cashiered by a Court-martial.

XLIX. Provided also, That if any Officer, Non-commission Officer or Soldier, shall be accused of any capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of the Subjects of this Kingdom, which is punishable by the known Laws of the Land; the commanding Officer or Officers of every Regiment, Troop, Company, or Party, is and are hereby required, upon Application made to the then commanding Officer, on Behalf of the Party injured, to use his utmost Endeavour to deliver over such accused Person to the Civil Magistrate; and shall also be aiding and assisting to the Officers of Justice, in the seizing and apprehending such Offender, in order to bring him to Trial: And if any such commanding Officer shall wilfully neglect or refuse, upon such Application as aforesaid, to deliver over any such accused Person to the Civil Magistrate, or to be aiding and assisting to the Officers of Justice in the apprehending such Offender; every such Offender so offending, and being thereof convicted before any Two or more Justices of the Peace for the County where the Fact is committed, by the Oath of Two credible Witnesses, shall be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within this Kingdom, or in His Majesty's Service; provided the said Conviction be affirmed at the next Quarter-sessions of the Peace of the said County, and a Certificate thereof be transmitted to the Judge-advocate; who is hereby obliged to certify the same to the next Court-martial. Persons accused of capital Crimes, &c. to be delivered over to the Civil Magistrate, &c.

L. Provided always, and be it enacted by the Authority aforesaid, That every present and future Paymaster, Agent, or Clerk of any Garison, Regiment, Troop, or Company, who is or shall be liable to account with any of the Executors and Administrators of every Officer or Soldier, for any of the Pay of such Officer or Soldier by him or them received; shall, on reasonable Demand made by such Executor or Administrator, deliver a just and true Account to any such Executor or Administrator, of such Sum or Sums of Money, as he or they shall have so respectively received for such Officer or Soldier, and for which they ought so to account as aforesaid, such Executor or Administrator paying for the same, and shall account with such Executor or Administrator for the same; and that every such Paymaster, Agent, or Clerk of any Garison, Regiment, Troop, or Company, offending herein, shall forfeit the like Penalties, and to be recovered in like Manner as appointed by this Act, for such Colonels or Agents not giving due Accounts of or for the Pay of the said Officers and Soldiers, to and for such Officers and Soldiers themselves. Paymasters, &c. to account with Executors.

LI. And be it further enacted by the Authority aforesaid, That if any Action, Bill, Plaint, or Suit shall be brought against any Person or Persons, for any Act, Matter, or Thing, to be acted or done pursuant to this Act, that it shall and may be lawful to and for all and any Person or Persons sued as aforesaid, to plead thereunto the General Issue, that he or they are not guilty, and to give such special Matter in Evidence to the Jury which shall try the Issue, which special Matter being pleaded, had been a good and sufficient Matter in Law to have discharged the said Defendant or Defendants of the Trespass or other Matter laid to his or their Charge: And if the Verdict shall pass with the said Defendant or Defendants in any such Action, the Plaintiff or Plaintiffs therein become nonsuit, or suffer any Discontinuance thereof; that in every such Case the Justice or Justices, or such other Judge, before Persons sued may plead the General Issue.

fore whom the ſaid Matter ſhall be tried, ſhall by Force and Virtue of this Act allow unto the Defendant or Defendants his or their double Coſts, which he or they ſhall have ſuſtained by reaſon of their wrongful Vexation in Defence of the ſaid Action or Suit; for which the ſaid Defendant or Defendants ſhall have like Remedy as in other Caſes, where Coſts by the Laws of this Realm are given to Defendants.

Continuance of this Act.

LII. And be it further enacted by the Authority aforeſaid, That this Act, and every thing therein contained, ſhall be and continue in Force within this Realm of Great Britain and Ireland, from the ſaid Twenty fourth Day of March, in the Year of our Lord One thouſand ſeven hundred and forty, until the Twenty fifth Day of March, in the Year of our Lord One thouſand ſeven hundred and forty two; and ſhall be and continue in Force within the Iſland of Minorca and Gibraltar, and in His Majeſty's other Dominions beyond the Seas, from the ſaid Twenty fourth Day of March, in the Year of our Lord One thouſand ſeven hundred and forty, until the Twenty fifth Day of March, in the Year of our Lord One thouſand ſeven hundred and forty three.

Penalties againſt the Act 1 *Geo.* I. *c* 47. Where to be ſued for.

LIII. And whereas by an Act of the Firſt Year of his late Majeſty's Reign, intituled, *An Act for the more effectual and exemplary Puniſhment of ſuch Perſons as ſhall ſeduce Soldiers to deſert; or being Papiſts, ſhall inliſt themſelves in His Majeſty's Service in* Great Britain *or* Ireland, *or in the Iſlands of* Guernſey *or* Jerſey, it was enacted, That any Perſon or Perſons whatſoever, who ſhould directly or indirectly perſuade or procure, or endeavour to perſuade or procure, any Soldier or Soldiers in the Service of His Majeſty, or of His Heirs or Succeſſors, to deſert; ſuch Perſon or Perſons ſo offending, and being thereof lawfully convicted, ſhall forfeit the Sum of Forty Pounds: Now be it enacted, That for ſuch Offences as ſhall be committed againſt the ſaid recited Act, within that Part of Great Britain called England, the Penalties thereby enacted ſhall be ſued for, and recoverable in any of His Majeſty's Courts of Record at Weſtminſter; and for ſuch Offences againſt the ſaid Act as ſhall be committed in that Part of Great Britain called Scotland, the ſame ſhall be ſued for and recoverable in His Majeſty's Court of Exchequer in Scotland; and for ſuch Offences againſt the ſaid Act as ſhall be committed in Ireland, the ſame ſhall and may be ſued for, and recoverable in any of the Four Courts at Dublin; any thing in the ſaid recited Act to the contrary thereof in any wiſe notwithſtanding.

LIV. And to prevent, as far as may be, any unjuſt or fraudulent Arreſts that may be made upon Soldiers, whereby His Majeſty and the Publick may be deprived of their Service; it is hereby further enacted by the Authority aforeſaid, That no Perſon whatſoever, who is liſted, or ſhall liſt and enter himſelf as a Volunteer in His Majeſty's Service, as a Soldier, either in the Kingdom of Great Britain or Ireland, during the Continuance of this Act, ſhall be liable to be taken out of His Majeſty's Service by any Proceſs or Execution whatſoever, other than for ſome criminal Matter, unleſs for a real Debt, or other juſt Cauſe of Action, and unleſs, before the taking out of ſuch Proceſs or Execution (not being for a criminal Matter) the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons on his or their Behalf, ſhall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court, out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge the original Sum juſtly due and owing to the Plaintiff or Plaintiffs from the Defendant or Defendants in the Action, or Cauſe of Action, on which ſuch Proceſs ſhall iſſue, or the original Debt for which ſuch Execution ſhall be iſſued out, amounts to the Value of Ten Pounds at leaſt, over and above all Coſts of Suit in the ſame Action, or in any other Action on which the ſame ſhall be grounded; a Memorandum of which Oath ſhall be marked on the Back of ſuch Proceſs or Writ, for which Memorandum or Oath no Fee ſhall be taken: And if any Perſon ſhall be nevertheleſs arreſted contrary to the Intent of this Act, it ſhall and may be lawful for One or more Judge or Judges of ſuch Court, upon Complaint made thereof by the Party himſelf, or by any his ſuperior Officers, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant under his or their Hands and Seals to diſcharge ſuch Soldier ſo arreſted contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Soldier, ſo arreſted, was legally liſted as a Soldier in His Majeſty's Service, and arreſted contrary to the Intent of this Act, and alſo to award to the Party ſo complaining ſuch Coſts, as ſuch Judge or Judges ſhall think reaſonable: For the Recovery whereof he ſhall have the like Remedy, that the Perſon who takes out the ſaid Execution might have had for his Coſts, or the Plaintiff in the ſaid Action might have had for the Recovery of his Coſts, in caſe Judgement had been given for him with Coſts againſt the Defendant in the ſaid Action.

No Volunteer liable to Proceſs, unleſs for ſome criminal Matter,

or unleſs for a real Debt of the Value of 10*l.*

Oath of the Debt to be made before a Judge,

and marked on the Back of the Proceſs.

Plaintiff may file a common Appearance, &c.

LV. And to the End that honeſt Creditors, who aim only at the Recovery of their juſt Debts, due to them from Perſons entered into and liſted in His Majeſty's Service, may not be hindered from ſuing for the ſame, but on the contrary may be aſſiſted and forwarded in their Suits, and inſtead of an Arreſt, which may at once hurt the Service, and occaſion a great Expence and Delay to themſelves, may be enabled to proceed in a more ſpeedy and cheap Method; be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for any Plaintiff or Plaintiffs, upon Notice firſt given in Writing of the Cauſe of Action to ſuch Perſon or Perſons ſo liſted, or left at his or their laſt Place of Reſidence before ſuch liſting, to file a common Appearance in any Action to be brought for or upon Account of any Debt whatſoever, ſo as to intitle ſuch Plaintiff to proceed therein to Judgement and Outlawry, and to have an Execution thereupon, other than againſt the Body or Bodies of him or them ſo liſted as aforeſaid; this Act, or any thing herein, or any former Law or Statute to the contrary notwithſtanding.

LVI. And be it further enacted by the Authority aforeſaid, That if any High Conſtable, Conſtable, Beadle, or other Officer or Perſon whatſoever, who by virtue or colour of this

Act

Act shall quarter or billet, or be employed in quartering or billeting any Officers or Soldiers, shall receive, demand, contract, or agree for any Sum or Sums of Money, or any Reward whatsoever, for or on Account of excusing, or in order to excuse any Person or Persons whatsoever, from quartering or receiving into his, her, or their House or Houses, any such Officer or Soldier; or in case any Victualler, or any other Person liable by this Act to have any Officer or Soldier billeted or quartered on him or her, shall refuse to receive or victual any such Officer or Soldier so quartered or billeted upon him or her as aforesaid, or shall refuse to furnish or allow, according to the Directions of this Act, the several Things herein before respectively directed to be furnished or allowed to Non-commission Officers and Soldiers so quartered or billeted on him or her as aforesaid, and shall be thereof convicted before any one or more Justice or Justices of the Peace of the County, City, or Liberty, within which such Offence shall be committed, either by his own Confession, or by the Oath of one or more credible Witness or Witnesses (which Oath the said Justices are hereby impowered to administer) every such High Constable, Constable, Beadle, or other Officer or Person so offending, shall forfeit for every such Offence the Sum of Five Pounds, or any Sum of Money not exceeding Five Pounds, nor less than Forty Shillings (as the said Justice or Justices, before whom the Matter shall be heard, shall in his or their Discretion think fit) to be levied by Distress and Sale of the Goods of the Person offending, by Warrant under the Hand and Seal, or Hands and Seals of such Justice or Justices, before whom such Offenders shall be convicted, or of one or more of them, to be directed to any other Constable within the County, City, or Liberty, or to any of the Overseers of the Poor of the Parish where such Offender shall dwell; the said Sum of Five Pounds, or the said Sum not exceeding Five Pounds, nor less than Forty Shillings, when levied, to be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, or to some One of them, for the Use of the Poor of the said Parish.

Penalty on Constables taking Money to excuse any Person from quartering; or Victuallers refusing to quarter Soldiers.

LVII. And for the better preventing Abuses in quartering or billeting of Soldiers in pursuance of this Act, be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any one or more Justice or Justices of the Peace within their respective Counties, Cities, or Liberties, by Warrant or Order under his or their Hand and Seal, or Hands and Seals, at any Time or Times during the Continuance of this Act, to require and command any High Constable, Constable, Beadle, or other Officers, who shall quarter or billet any Soldiers in pursuance of this Act, to give an Account in Writing unto the said Justice or Justices, requiring the same, of the Number of Officers and Soldiers, who shall be quartered or billeted by them, and also of the Names of the Housekeepers or Persons upon whom every such Officer or Soldier shall be quartered or billeted, together with an Account of the Street or Place where every such Housekeepers dwell, and of the Signs (if any) belonging to their Houses; to the End it may appear to the said Justice or Justices, where such Officers and Soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all Abuses in the quartering or billeting of them.

Justices may order Constables to give an Account of the Number of Officers and Soldiers quartered, &c.

LVIII. And be it further enacted, That where any Troops or Parties upon Command, have Occasion in their March to pass regular Ferries in that Part of Great Britain called Scotland, it shall and may be lawful for the commanding Officer, either to pass over with his Party as Passengers, or to hire the Ferry Boat intire to himself and his Party, debarring others for that Time in his Option; and in case he shall choose to take Passage for himself and Party as Passengers, he shall only pay for himself, and for each Person, Officer or Soldier, under his Command, Half of the ordinary Rate payable by single Persons at any such Ferry; and in case he shall hire the Ferry Boat for himself and Party, he shall pay Half of the ordinary Rate for such Boat or Boats; and in such Places where there are no regular Ferries, but that all Passengers hire Boats at the Rates they can agree for, Officers, with or without Parties, are to agree for Boats at the Rate as other Persons do in the like Cases.

How the Troops are to pay in passing over Ferries in *Scotland*.

LIX. Provided nevertheless, and it is hereby declared by the Authority aforesaid, That from and after the Twenty fifth Day of March, One thousand seven hundred and forty one, when and as often as any Person or Persons shall be inlisted as a Soldier or Soldiers in His Majesty's Land Service, he and they shall, within Four Days after such Inlisting respectively, be carried before the next Justice of the Peace of any County, Riding, City, or Place, or Chief Magistrate of any City or Town Corporate (not being an Officer in the Army) and before such Justice or Chief Magistrate, he or they shall be at Liberty to declare his or their Dissent to such Inlisting, and upon such Declaration, and returning the Inlisting Money, and also each Person so dissenting paying the Sum of Twenty Shillings for the Charges expended or laid out upon him, such Person or Persons so inlisted shall be forthwith discharged and set at Liberty in the Presence of such Justice or Chief Magistrate; but if such Person or Persons shall refuse or neglect within the Space of Twenty four Hours to return and pay such Money as aforesaid, he or they shall be deemed and taken to be inlisted, as if he or they had given his or their Assent thereto before the said Justice or Chief Magistrate; or if such Person or Persons shall declare his or their having voluntarily inlisted himself or themselves, then such Justice or Chief Magistrate shall, and he is hereby required forthwith to certify under his Hand, that such Person or Persons is or are duly inlisted, setting forth the Place of the Birth, Age, and Calling of him or them respectively (if known) and that the Seventh and Tenth Articles of War against Mutiny and Desertion were read to him or them, and that he or they had taken the Oath mentioned in the said Articles of War; and if any such Person or Persons so to be certified as duly inlisted, shall refuse to take the said Oath of Fidelity before the said Justice of Chief Magistrate, it shall and may be lawful for such Officer from whom he has received such Money as aforesaid, to detain or confine such Person or Persons, until he or they shall take the Oath before required; and every military Officer that shall act contrary hereto, or offend herein, shall incur the like Penalty and Forfeiture, as is by this Act to be inflicted upon any Officer for making a false and untrue Muster; and the Penalty and Forfeiture shall be levied and recovered in the same Manner as any Penalties or Forfeitures are by this Act to be levied and recovered.

Clause of Relief for Persons hastily listing themselves.

LX. And

Perſons refuſing the ſaid Relief, to be proceeded againſt, as if duly liſted.

LX. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall receive the Inliſting Money from any Officer (knowing it to be ſuch) and ſhall abſcond or refuſe to go before ſuch Juſtice or Chief Magiſtrate, in order to declare his Aſſent or Diſſent as aforeſaid; ſuch Perſon or Perſons ſhall be deemed and taken to be inliſted to all Intents and Purpoſes whatſoever, and ſhall and may be proceeded againſt, as if he or they had taken the Oath directed by the ſaid Articles of War to be taken before ſuch Juſtice or Chief Magiſtrate.

Offences againſt former Mutiny Acts, puniſhable by this Act.

LXI. And in order to prevent all Doubts that might ariſe in relation to the puniſhing Crimes and Offences againſt all former Acts of Parliament for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; be it declared and enacted by the Authority aforeſaid, That all Crimes and Offences which have been committed againſt an Act made in the Thirteenth Year of His preſent Majeſty's Reign, intituled, An Act for puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters; or againſt any other Act of Parliament heretofore made for the puniſhing Mutiny and Deſertion, and for the better Payment of the Army and their Quarters, ſhall and may, during the Continuance of this preſent Act, be enquired of, heard, tried, determined, adjudged, and puniſhed, before and by the like Courts, Perſons, Powers, Authorities, Ways, Means, and Methods, as the like Crimes and Offences committed againſt this preſent Act may be enquired of, heard, tried, determined, adjudged, and puniſhed.

Officers, &c. in the Trains of Artillery, ſubject to this Act.

LXII. And whereas it may be otherwiſe doubted, whether the Officers and Perſons employed in the Trains of Artillery, be within the Intent and Meaning of this Act, for puniſhing of Officers and Soldiers who ſhall mutiny, or deſert His Majeſty's Service, and for puniſhing falſe Muſters, and for Payment of Quarters; it is hereby enacted by the Authority aforeſaid, That the Officers and Perſons employed, or that ſhall be employed, in the ſeveral Trains of Artillery, be at all Times ſubject to all the Penalties and Puniſhments mentioned in this Act, during the Continuance of the ſame.

CAP. X.

An Act to explain and amend an Act made in the Third Year of the Reign of King *James* the Firſt, intituled, *An Act for the recovering of ſmall Debts, and for the relieving of poor Debtors in* London.

Preamble.
3 *Jac.* I. *c.* 15.

WHEREAS by an Act of Parliament made in the Third Year of the Reign of King *James* the Firſt, intituled, *An Act for the recovering of ſmall Debts, and for the relieving of poor Debtors in* London; it is (amongſt other things) enacted, That every Citizen and Freeman of the City of *London*, and every other Perſon and Perſons inhabiting, or that ſhall inhabit, within the ſaid City or the Liberties thereof, being a Tradeſman, Victualler, or a labouring Man, which then had or thereafter ſhould have any Debt or Debts owing unto him or them, not amounting to Forty Shillings, by any Citizen, or by any other Perſon or Perſons, being a Victualler, Tradeſman, or labouring Man, inhabiting, or that ſhould inhabit within the ſaid City, or the Liberties thereof, ſhould or might cauſe ſuch Debtor or Debtors to be warned or ſummoned by the Bedel or Officer of the Court of Requeſts of the ſaid City of *London* for the time being, by Writing, to be left at the Dwelling-houſe of ſuch Debtor or Debtors, or by other reaſonable Warning or Notice to be given to ſuch Debtor or Debtors, to appear before the Commiſſioners of the ſaid Court of Requeſts holden in the *Guildhall* of the ſaid City; and that the ſaid Commiſſioners, or any Three of them, or more, ſhould have Power and Authority by virtue of the ſaid Act, from time to time, to ſet down ſuch Order or Orders between ſuch Party or Parties Plaintiffs, and his or their ſuch Debtor or Debtors Defendants, touching ſuch Debts not amounting to the Value of Forty Shillings, in Queſtion before them, as they ſhould find to ſtand with Equity and good Conſcience; all ſuch their Order or Orders to be regiſtred in a Book as they had been accuſtomed, and as well the Party Plaintiff, as the Debtor or Defendant, to obſerve, perform, and keep the ſame in all Points: And whereas ſince the making the ſaid Act divers Perſons intending to ſubvert the good and charitable Intent of the ſame, and taking hold of ſome doubtful and ambiguous Words therein, do endeavour to avoid the Juriſdiction of the ſaid Court, contrary to the Meaning of the ſaid Act: And whereas the Commiſſioners of the Court of Requeſts have been often inſulted in the Execution of their Office, whilſt employed ſolely in the charitable Purpoſe of relieving and aſſiſting their poor and diſtreſſed Fellow Citizens: And whereas by the ſaid recited Act, no Proviſion is made for the ſecuring of the Perſons of the ſaid Commiſſioners from ſuch Inſults: And whereas in the ſaid recited Act there is but One Officer, by the Name of Bedel, or Officer, mentioned to attend the Execution of all the Orders of the ſaid Court; and by reaſon of the Increaſe of the Number of the Inhabitants of the ſaid City and Liberties ſince the paſſing the ſaid Act, the Buſineſs of the ſaid Office of Bedel or Officer is ſo increaſed, that it is become too heavy and laborious for one Perſon ſingly to execute and diſcharge the ſame agreeably to the Intent and Meaning of the ſaid Act, by which Means the poor Suitors are deprived of a great Part of the Benefit intended for them by the ſaid Act: For Remedy whereof, and to the Intent that ſome more full and ample Proviſion may be made for the Benefit of the poor Suitors, for whoſe Relief and Advantage the ſaid Court was originally inſtituted; May it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty one, it ſhall and may be lawful to and for every Citizen and Freeman of the City of London, and every other Perſon and Perſons inhabiting, or that ſhall hereafter inhabit, within the ſaid City or the Liberties thereof; and all and every Perſon or Perſons who do or ſhall rent or keep any Shop, Shed, Stall, or Stand, or ſeek a Livelihood in the ſaid City or Liberties thereof, which now have or hereafter ſhall have any Debt or Debts owing unto him, her, or them, not exceeding the Sum of Forty Shillings, by any Perſon or Perſons whatſoever inhabiting or ſeeking a Livelihood within the ſaid City or Liberties thereof, during their reſpective inhabiting within the ſaid City or Liberties thereof, or ſeeking a Livelihood as aforeſaid, to cauſe ſuch Debtor or Debtors to be warned or ſummoned by any of the Bedels, or Officers of the ſaid Court of Requeſts for the time being, by Writing left at the Dwelling-houſe, Lodgings, Shop, Shed, Stall, or Stand, or any other Place of

Debts not exceeding 40*s.* to be recovered in the Court of Requeſts in *London*.

ſeeking a Livelihood of ſuch Debtor or Debtors, or by any other reaſonable Warning or Notice to be given to the ſaid Debtor or Debtors, to appear before the Commiſſioners of the ſaid Court of Requeſts, holden in the Guildhall of the ſaid City, and that the ſaid Commiſſioners, or any Three of them, or more, ſhall after ſuch Summons as aforeſaid have Power and Authority by virtue of this Act, from time to time to ſet down, or cauſe to be ſet down, ſuch Order or Orders between ſuch Party or Parties, Plaintiff or Plaintiffs, and his, her, or their Debtor or Debtors, Defendant or Defendants, touching ſuch Debts not exceeding the Sum of Forty Shillings in Queſtion before them, as they ſhall find to ſtand with Equity and good Conſcience, all ſuch Order or Orders to be regiſtered in a Book as they have been accuſtomed to be; which Order or Orders ſo made as well the Party Plaintiff as the Debtor or Defendant ſhall obſerve, perform, and keep in all Points; any thing in any Act contained to the contrary thereof in any wiſe notwithſtanding.

II. And for the more effectual eſtabliſhing of the ſaid Court, and the better enforcing the Orders which ſhall be made by the ſaid Commiſſioners, and that the ſaid Commiſſioners may be free and exempt from any Inſults or Abuſes; be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall from and after the ſaid Twenty fourth Day of June, contemptuouſly affront, inſult, or abuſe all or any of the Commiſſioners of the ſaid Court, during the Time of their ſitting, that it ſhall and may be lawful to and for the Commiſſioners then ſitting, or any Three of them, to certify under their Hands and Seals the Name or Names of the Perſon or Perſons ſo offending as aforeſaid, and the Nature of his, her, or their Offence, to the Lord Mayor of the ſaid City of London for the time being, who is hereby impowered and required to ſummon, or cauſe to be ſummoned, ſuch Perſon or Perſons ſo offending as aforeſaid, before him, at ſuch Time as ſhall be ſpecified in the ſaid Summons; and upon his, her, or their Appearance, and the Fact alledged being proved upon the Oath or Oaths of One or more credible Witneſs or Witneſſes againſt him, her, or them, or in Default of his, her, or their Appearance, then and in every ſuch Caſe the ſaid Lord Mayor ſhall proceed to puniſh the Perſon or Perſons ſo offending as aforeſaid, by Fine or Impriſonment, or both; provided that the Fine on any one Perſon do not exceed the Sum of Twenty Shillings, and that the Impriſonment be for no longer Time than Ten Days. Penalty on Perſons inſulting the Court.

III. And be it further enacted by the Authority aforeſaid, That upon the Non-payment of the ſaid Fine or Fines ſo to be impoſed or ſet upon every Perſon convicted of offending as aforeſaid, it ſhall and may be lawful for the ſaid Lord Mayor to iſſue a Warrant or Warrants under his Hand and Seal, for levying the ſaid Fine or Fines ſo impoſed on the Goods and Chattels of every Offender, and to cauſe Sale to be made thereof in caſe they ſhall not be redeemed in Five Days, rendering to every ſuch Perſon the Overplus (if any there be) upon Demand, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Fine or Fines, when levied or received by virtue of this Act, ſhall be paid over into the Hands of the Churchwardens or Overſeers of the Poor of the Pariſh, wherein every ſuch Offender ſhall, at the Time of ſuch Offence committed, inhabit, dwell, or ſeek a Livelihood, towards the Support and Maintenance of the Poor of the ſaid Pariſh. How Fines may be recovered.

IV. And be it further enacted by the Authority aforeſaid, That for the more expeditious, convenient, and beneficial Execution of the Powers veſted in the Commiſſioners of the ſaid Court of Requeſts in regard to the Benefits accruing to the poor Suitors therein, that the Number of Bedels or Officers to attend the ſaid Court and be employed in the Execution of the Orders of the ſaid Commiſſioners, may by the Court of Lord Mayor and Aldermen of the City of London, from time to time, be enlarged to Two Bedels or Officers, or more, not exceeding Four, as the Increaſe of the Buſineſs of the ſaid Court of Requeſts ſhall render it moſt convenient for the poor Suitors therein, according to the Diſcretion of the ſaid Court of Lord Mayor and Aldermen. Number of Officers increaſed.

V. Provided always, That the ſaid former Act, and all Proviſoes, Powers, Clauſes, Matters, and Things therein contained (not hereby altered or otherwiſe provided for) ſhall continue and be in full Force, and extend to all and every Perſon or Perſons to whom this preſent Act doth or ſhall extend. The former Act to remain in Force.

VI. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Matter or Thing done or to be done in purſuance of this Act, or the ſaid recited Act, then and in ſuch Caſe the Action or Suit ſhall be brought or commenced within Six Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the City of London, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit to be brought ſhall and may plead the General Iſſue, and give this, and the ſaid recited Act, and the ſpecial Matter in Evidence at any Trial to be had thereupon, and if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action or Actions, Suit or Suits, or if upon Verdict or Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover double Coſts, and have ſuch Remedy for the ſame, as any Defendant or Defendants hath or have in any other Caſes by Law. Limitation of Actions. General Iſſue. Double Coſts.

VII. And be it further enacted by the Authority aforeſaid, That this Act ſhall be deemed, adjudged, and taken to be a publick Act, and be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons whatſoever, without ſpecially pleading the ſame. Publick Act.

CAP. XI.

An Act for ſupplying the City of *Glouceſter* with freſh Water.

WHEREAS the Inhabitants of the City of *Glouceſter* ſuffer many Inconveniencies for want of being ſupplied with a ſufficient Quantity of good and pure Water for their neceſſary Occaſions, the preſent Method of ſupplying the ſaid City with Water having been found ineffectual: And whereas good and pure Water is capable of being conveyed to the ſaid City, from certain freſh Springs iſſuing out of or near to a Hill called *Matſon's Hill*, otherwiſe *Robin Hood's Hill*, in the Manor and Pariſh of *Matſon*, part of the Eſtate Preamble.

of *John Selwyn* Eſquire: And whereas the ſaid *John Selwyn* is willing and conſenting that ſuch Water ſhould be made uſe of for the Purpoſe aforeſaid; and the Mayor, Aldermen, and Common Council of the ſaid City, are deſirous to contract and agree with any Perſon or Perſons willing to undertake ſuch Work, with proper Reſtrictions and Covenants for the due and effectual compleating the ſame: But as ſuch Undertaking cannot be carried on and compleated, unleſs Powers neceſſary for that Purpoſe be given by Parliament; May it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Mayor, Aldermen, and Common Council of the ſaid City of Glouceſter ſhall, and they are hereby impowered to contract and agree with any Perſon or Perſons willing and proper to undertake to convey Water to the ſaid City, from the Springs iſſuing out of or near to the ſaid Hill called Matſon's Hill, otherwiſe Robin Hood's Hill; and that it ſhall and may be lawful to and for ſuch Undertaker or Undertakers, his or their Heirs, Executors, Adminiſtrators, or Aſſigns, by his or their Servants or Workmen, to enter upon, dig, and break up the Soil of any publick Highway or Street, or any Common or Waſte Ground, or any the private or ſeveral Ground, in order to drain and collect the Water of the ſeveral Springs iſſuing from the ſaid Hill; and to make a Reſervoir or Reſervoirs ſufficient for the receiving and keeping ſuch Water; and to erect Conduits, Water-houſes, or Engines, neceſſary for diſtributing ſuch Water into the ſeveral Parts of the ſaid City; and alſo, with Horſes, Carts, Carriages, and Workmen, to enter into the private or ſeveral Grounds and Poſſeſſions of all Perſons whatſoever, and Bodies Politick or Corporate, lying between the ſaid City and the Hill aforeſaid; and to lay under ground Aqueducts and Pipes, in ſuch Manner, and through ſuch Places, as ſhall be moſt convenient for conveying Water from ſuch Reſervoir or Reſervoirs, Conduits, Water-houſes, or Engines to the ſaid City; and in like Manner, from time to time, and at all Times hereafter, to repair or alter ſuch Reſervoir or Reſervoirs, Conduits, Water-houſes, or Engines; or to repair or alter all or any of ſuch Aqueducts or Pipes, when ſuch Repair or Alteration ſhall be needful, for the more effectual conveying Water to the ſaid City, in Manner aforeſaid.

Mayor of *Glouceſter*, &c. may contract with any Perſons to convey Water to *Glouceſter* City;

and to make Reſervoirs, Conduits, *&c.*

and to enter and dig in private Grounds to lay Pipes, *&c.*

or to repair or alter the ſame.

II. And that the carrying on and perfecting ſuch Undertaking may not be prejudicial to the Inheritance, Poſſeſſion, or Profit of any Perſon, or Bodies Politick or Corporate; be it further enacted by the Authority aforeſaid, That if the ſaid Undertaker or Undertakers, his or their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall not, or cannot, make a perfect and valid Agreement with all Perſons, or Bodies Politick, intereſted in ſuch private or ſeveral Grounds, for Licence to make ſuch Reſervoir or Reſervoirs, Conduits, or Water-houſes, and to lay ſuch Aqueducts and Pipes, and at all Times hereafter to repair or alter the ſame, the Sheriff of the County of Glouceſter, and Sheriff of the County of the City of Glouceſter reſpectively, where the Grounds of any Perſon or Corporation, with whom no ſuch Agreement ſhall be made, ſhall happen to be, are hereby reſpectively authorized and required, upon the Requeſt of the ſaid Undertaker or Undertakers, their Heirs, Executors, Adminiſtrators, or Aſſigns, to ſuch Sheriffs reſpectively for that Purpoſe made, to ſummon before them reſpectively a Jury of Twelve or more indifferent Men of the Neighbourhood, not intereſted in the ſaid Undertaking, or in any of the Lands on which the ſaid Reſervoir or Reſervoirs are ſo to be made, or ſuch Conduits, Water-houſes, or Engines ſhall be erected, or through which the ſaid Water is ſo to be conveyed; which Jury, upon the Examination of Witneſſes upon Oath (which Oath the ſaid Sheriffs reſpectively are hereby authorized and required to adminiſter) ſhall by their Verdict determine what Satisfaction every ſuch Perſon, Corporation, or Body Politick or Corporate, with whom no ſuch Agreement ſhall have been made as aforeſaid, ſhall be allowed and have, in reſpect of the Damage and Loſs, which he, ſhe, or they, may ſuſtain, by ſuch entering into, digging, and breaking up of the Soil, in ſuch private or ſeveral Grounds, in order to make the ſaid Reſervoir or Reſervoirs, or to erect ſuch Conduits, Water-houſes, or Engines, or to lay the ſaid Aqueducts or Pipes; as alſo to repair or alter the ſame at any Time hereafter; and to aſſeſs and proportion the ſame, according to the ſeveral and reſpective Eſtates and Intereſts of every ſuch Perſon, Corporation, or Body Politick, in the ſaid Grounds ſo to be entered into, digged, broken up, or otherwiſe made uſe of; Notice being firſt given by Papers publickly affixed and ſet up at the publick Market-croſs in the ſaid City of Glouceſter, and alſo left at the ſeveral Dwelling-houſes of the ſeveral Occupiers of the Land, through which the ſaid Water is to be conveyed, One Month at leaſt before ſuch Inquiry; which Determination ſo made ſhall be binding to all Parties therein concerned, in Poſſeſſion, Reverſion, or Remainder, or otherwiſe, as well Infants as Feme Coverts, and others, and their Heirs, Executors, Adminiſtrators, or Aſſigns, and all and every other Perſon and Perſons whatſoever, claiming by, from, or under him, her, or them.

If any Diſputes ariſe, Sheriffs may ſummon a Jury to ſettle the ſame,

and give Satisfaction for Damages.

III. Provided always, That until Payment of ſuch Satisfaction as ſhall be ſo agreed to be paid, or ſhall be ſo aſcertained and aſſeſſed by Verdict, to or for the Uſe of the ſeveral Perſons or Bodies Politick, to whom Satisfaction ſhall be ſo agreed or determined to be made, or until Tender thereof made, to every ſuch Perſon or Body Politick, his, her, or their known Agents or Receivers, or until Payment thereof to the Mayor, Aldermen, and Common Council of the ſaid City of Glouceſter, in the Chamber of the ſaid City, to and for the Uſe of ſuch Perſons or Bodies Politick; it ſhall not be lawful for the ſaid Undertaker or Undertakers, his or their Heirs, Executors, Adminiſtrators, or Aſſigns, Workmen, or Servants, by virtue of this Act, to enter on, dig, break up, or make uſe of any Part of the private or ſeveral Grounds of any Perſon or Body Politick whatſoever, in order to collect the ſaid Springs, or make the ſaid Reſervoir or Reſervoirs, or erect the ſaid Conduits, Water-houſes, or Engines, or to lay the ſaid Aqueducts or Pipes; any thing herein contained to the contrary notwithſtanding.

Undertakers not to dig in private Grounds, till they have ſatisfied the Owners.

IV. And be it further enacted by the Authority aforeſaid, That the ſaid Perſon or Perſons who ſhall be concerned or intereſted in the ſaid Undertaking, ſhall not, in making the ſaid Reſervoir or Reſervoirs, Water-houſes, or Conduits, or in laying the ſaid Aqueducts and Pipes, within or without the ſaid City, or hereafter in repairing or altering the ſame, break

Undertakers to make good the Ground, after laying their Pipes.

break up Ground any deeper, or in any other Manner than shall be absolutely necessary; and that such Person or Persons shall, as soon as may be, after such Ground shall be broken up, at his or their Costs and Charges, cause the same to be filled up again and levelled, and if any Road or Pavement shall be broken up in the Execution of this Act, shall repair the same, and by all Ways and Means contrive and order, that such Undertaking be carried on with as little Damage and Annoyance to the Owners and Possessors of such Grounds as may be.

Penalty on Persons hindering the Workmen breaking Ground after Satisfaction made.

V. Provided always, and be it enacted by the Authority aforesaid, That from and after such Payments made for Satisfaction, as aforesaid, if the Person or Persons who shall be concerned or interested in the said Undertaking, his or their Agents or Workmen, shall be prohibited at any time hereafter, to enter into, dig, or break up, for the Intents aforesaid, any such private or several Grounds, or to make such Reservoir or Reservoirs, Conduits or Waterhouses, or to lay such Aqueducts or Pipes, or at any time or times hereafter to repair or alter the same, or be otherwise resisted, interrupted, or molested in the Execution of the said Undertaking, by any Owner, Possessor, or Occupier of such Ground, or his, her, or their Minister, Officer, Agent, or Servant, or any other Person or Persons whatsoever, every such Person so prohibiting, resisting, interrupting, or molesting the said Person or Persons who shall be concerned or interested in the said Undertaking, or his or their Servants, Agents, or Workmen, contrary to the true Meaning of this Act, and being thereof convicted upon Oath, before Two or more Justices of the Peace for the said County of Gloucester, or County of the said City respectively, shall forfeit and pay to the said Undertaker or Undertakers, his or their Heirs, Executors, Administrators, or Assigns, for every such Offence, the Sum of Five Pounds, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of the said Justices, rendering the Overplus (if any) to the Owner on Demand.

CAP. XII.

An Act for enlarging the Terms and Powers granted by Two Acts of Parliament, *For repairing the Roads leading from* Seven Oaks *to* Woodsgate *and* Tunbridge Wells, *and from* Woodsgate *to* Kipping's Cross *in the County of* Kent; *and also for repairing the Roads from* Kipping's Cross *aforesaid, to* Lamberhurst Pound, *and* Pullen's Hill *in the said County*; *and to* Flimwell Vent *in the County of* Sussex.

Preamble. WHEREAS by an Act of Parliament passed in the Eighth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for repairing and amending the Highways leading from* Seven Oaks *to* Woodsgate *and* Tunbridge Wells *in the County of* Kent; several Tolls, Duties, and Powers were granted and given for repairing the said Highways; which said Act was to take Place and be in Force for the Term of Fifteen Years, to be accounted from the Four and twentieth Day of *June*, One thousand seven hundred and ten: And whereas by another Act passed in the Eleventh Year of the Reign of his late Majesty King *George* the First, *For enlarging the Term granted by the aforesaid Act, and for explaining and making more effectual the same Act, and for amending the Highways leading from* Woodsgate *aforesaid, to* Kipping's Cross *in the Parish of* Brenchly, *in the said County of* Kent; it was enacted, That from and after the Twenty fourth Day of *June*, One thousand seven hundred and twenty five (being the Time of the Expiration of the aforesaid Term of Fifteen Years) the several Tolls and Duties by the first mentioned Act directed to be received and taken, should be continued, taken, and received in such Manner as by the said Act is directed and prescribed, for and during the further Term of Twenty one Years, to be accounted from the said Twenty fourth Day of *June*, One thousand seven hundred and twenty five, for the several Purposes expressed and declared in and by the before mentioned Acts: And whereas the Money borrowed upon the Credit of the said Acts, and also the Money collected by the Tolls and Duties thereby granted, continued, and made payable, have been duly laid out and applied according to the Directions thereof, and great Progress has been made in amending of the Highways directed to be repaired by the before mentioned Acts, and there now remains due and owing on the Credit thereof the Sum of Five hundred and seven Pounds, ten Shillings, and three Pence, or thereabouts; which said Sum cannot be discharged, and the Highways effectually amended, and kept in good Repair, according to the Intent of the said Two former Acts, unless the Terms, Tolls, and Powers thereby granted and given, be further continued, and the said Acts made more effectual: And whereas the Highways or Roads leading from *Kipping's Cross* aforesaid, to *Lamberhurst* and *Pullen's Hill*, in the said County of *Kent*; and to a Place called *Flimwell Vent*, in the Parish of *Tyjehurst*, in the County of *Sussex*, join to the Highways mentioned and described in the Two first mentioned Acts, or some of them, and are become so bad and ruinous, that the same cannot by the ordinary Course appointed by the Laws now in Being for repairing the Highways of this Kingdom be amended and kept in Repair, unless some further Provision be made for raising Money for repairing the said Roads, *&c.*

8 *Annæ, not printed.*

11 *Geo.* I. *c.* 15.

The former Acts are further continued for 21 *Years.*

CAP. XIII.

An Act to enlarge the Terms and Powers granted by Three several Acts made in the Ninth and Twelfth Years of the Reign of her late Majesty Queen *Anne*, and in the Thirteenth Year of the Reign of his late Majesty King *George* the First, *For amending the Highways leading from* Royston *in the County of* Hertford, *to* Wandsford Bridge *in the County of* Huntingdon, so far as the same relate to the Roads lying in the Middle and South Divisions of the said Highways.

Preamble, reciting the Acts 9 & 12 *Annæ, not printed.* and 13 *Geo.* I. *cap.* 32. WHEREAS by Two Acts, made in the Ninth and Twelfth Years of the Reign of her late Majesty Queen *Anne*, several Tolls and Duties were granted, and Powers given, for repairing the Highways leading from *Royston* in the County of *Hertford*, to *Wandsford Bridge* in the County of *Huntingdon*; and by an Act made in the Thirteenth Year of the Reign of his late Majesty King *George* the First, for the more effectual amending the said Highways, such Highways were divided into Three distinct Divisions; that is to say, the North Division, the Middle Division, and the South Division; and certain Tolls and Duties were granted for the Repair of the Roads in each of the said Divisions respectively, instead of the Tolls and Duties granted by the said former Acts; which said Act of the Thirteenth Year of his said late Majesty's Reign, and also the Powers given by the said former Acts, except such as were thereby altered, were to have Continuance

nuance for and during the Term of Twenty one Years, to commence from the Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty ſeven: And whereas by virtue of the Powers granted by the ſaid Acts, the Truſtees appointed to put the ſame in Execution in and for the South Diviſion have borrowed One thouſand two hundred Pounds upon the Credit of the Tolls in the ſaid South Diviſion, and of the Seventy Pounds *per Annum* by the ſaid laſt recited Act made payable to the Truſtees of the ſaid South Diviſion out of the Duties and Tolls collected in the ſaid Middle Diviſion; and the Truſtees in and for the Middle Diviſion have borrowed the Sum of Nine hundred and fifty Pounds upon the Credit of the Tolls and Duties for the Middle Diviſion; which Sums of One thouſand two hundred Pounds, and Nine hundred and fifty Pounds, now remain unpaid: And although the ſaid ſeveral Sums of Money have been duly applied, together with the Income ariſing from the ſaid Tolls and Duties, towards repairing the ſaid Roads in the Middle and South Diviſions reſpectively; yet ſuch Roads are at preſent far from being ſufficiently repaired, nor can the ſame be effectually amended, or the aforeſaid Debts of Twelve hundred Pounds, and Nine hundred and fifty Pounds, be paid off, unleſs the ſaid Term granted by the ſaid Act of the Thirteenth Year of the Reign of his late Majeſty be enlarged, and the Powers given thereby, and by the ſaid former Acts, be continued, *&c.*

The former Acts are further continued for 21 *Years.*

CAP. XIV.

An Act to enlarge the Terms and Powers granted by an Act made in the Firſt Year of His preſent Majeſty's Reign, intituled, *An Act for repairing the Road leading from* Chatteris Ferry (*which divides the Iſle of* Ely *from the County of* Huntingdon) *to* Hammond's Eau, *and from thence to* Somerſham Bridge *at* Somerſham *Town's End in the ſaid County.*

Preamble, reciting the Act 1 *Geo.* II. *c.* 4.

WHEREAS by an Act made in the Firſt Year of His preſent Majeſty's Reign, *For repairing the Road leading from* Chatteris Ferry (*which divides the Iſle of* Ely *from the County of* Huntingdon) *to* Hammond's Eau, *and from thence to* Somerſham Bridge *at* Somerſham *Town's End in the ſaid County*; certain Tolls and Duties were granted for the Repair of the ſaid Road, and ſeveral Powers were given, which were to have Continuance for and during the Term of Twenty one Years, to commence from the Firſt Day of *May*, One thouſand ſeven hundred and twenty eight: And whereas, by virtue of the Powers granted by the ſaid Act the Truſtees appointed to put the ſame in Execution have borrowed the Sum of Eight hundred Pounds, which now remains unpaid; and although the ſame hath been duly applied, together with the Income ariſing by the ſaid Tolls and Duties, towards repairing the ſaid Road; yet ſuch Road is at preſent far from being ſufficiently repaired, nor can the ſame be effectually amended, or the aforeſaid Debt of Eight hundred Pounds be paid off, unleſs the ſaid Term granted by the ſaid Act of the Firſt Year of the Reign of His preſent Majeſty, and the Powers given thereby, be enlarged, *&c.*

The former Act is further continued for 21 *Years.*

CAP. XV.

An Act for finiſhing and compleating the Pariſh Church of *Gainsborough* in the County of *Lincoln.*

Preamble, reciting the Act 9 *Geo.* II. *c.* 22.

WHEREAS by an Act of Parliament made and paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for rebuilding the Pariſh Church of* Gainsborough *in the County of* Lincoln, the Right Honourable *Baptiſt Noel*, Earl of *Gainsborough*, the Right Reverend *Richard* Lord Biſhop of *Lincoln*, and the Lord Biſhop of *Lincoln* for the time being, the Right Honourable *John* Lord *Monſon*, Knight of the Honourable Order of the *Bath*, the Right Honourable *John* Lord Viſcount *Tyrconnel* in the Kingdom of *Ireland*, Knight of the Honourable Order of the *Bath*, the Right Honourable *John* Lord Viſcount *Galway* in the Kingdom of *Ireland*, the Honourable Sir *Thomas Sanderſon* Knight of the Honourable Order of the *Bath*, now the Right Honourable *Thomas* Earl of *Scarborough*, Sir *Robert Clifton* Knight of the Honourable Order of the *Bath*, and Baronet; Sir *John Thorold*, Sir *Miles Stapylton*, and Sir *Henry Nelthorpe*, Baronets; the Honourable *Willoughby Bertie*, the Knights of the Shire for the County of *Lincoln*, the Chancellor of the Dioceſe of *Lincoln*, the Archdeacon of *Stow* in the ſaid Dioceſe, and the Four Maſters of the Cathedral Church of *Lincoln* for the time being, *Richard Acklom*, *Francis Anderſon*, *William Cartwright*, *William Cartwright* junior, *William Carter*, *John Downes*, *Thomas Dickenſon*, *Henry Eyre*, *Charles Ewer*, *Charles Gore*, *William Gilby*, *John Harriſon*, *John Healey*, *Charles Hall*, *John Kirke*, *William Levinz*, *William Levinz* junior, *Thomas Liſter*, *Charles Monſon*, *George Maſon*, *Richard Nelthorpe*, *George Nevile*, *Coningsby Sibthorpe*, *Gervaſe Scroope*, *George Stovin*, *Richard Sutton*, *John Thorold*, *Saint Andrew Thornhagh*, *John White*, *Charles Wood*, and *William Welby*, Eſquires; the Vicar and Churchwardens of the ſaid Pariſh for the time being, Doctor *Nicholas Lambert*, the Reverend *Ralph Baſſett*, *William Baſſett*, *Robert Farmery*, *Michael Fawell*, *John Whichcott*, *Robert Pindar*, and *John Simpſon*, Clerks; and *Edwin Anderſon*, *Joſeph Arnold*, *Thomas Benton*, *Robert Broughton*, *Wilfrid Brown*, *John Baſſet*, *John Chriſtopher*, *Joſeph Clutterbuck*, *Hooker Creſſy*, Doctor *John Carruther*, *William Dealtry*, *Benjamin Dealtry*, *James Dealtry*, *John Dixon*, *Robert Dixon*, *Thomas Fox*, *John Higgs*, *John Haughton*, *William Hopkins*, *Thomas Hutton*, *Thomas Hutton* junior, *Joſeph Hornby*, *Edward Laughton*, *John Lumby*, *Adam Lugg*, *Benjamin Luddington*, *Thomas Morton*, *Luke Martin*, *Robert Philipſon*, *Henry Revell*, *Cordal Stors*, *Cordal Stors* junior, *William Sampſon*, *Matthew Sampſon*, *Henry Shaw*, *John Wilberfoſs*, and *William Wharton*, all of the Pariſh of *Gainsborough* aforeſaid, were conſtituted and appointed Truſtees for putting the ſaid Act in Execution; and they, and the Survivors of them, or any Seven or more of them, were thereby authorized and impowered to cauſe the Body of the old Pariſh Church, then ſtanding in the Town of *Gainsborough*, and the Iſles thereof, to be taken down, and to be rebuilt according to ſuch Dimenſions, and with ſuch Materials, and in ſuch Manner, as by the ſaid Truſtees ſhould be agreed upon; and alſo to cauſe an Aſſeſſment to be made yearly on all the Owners and Occupiers of Houſes, Lands, Tenements, and Hereditaments, within the ſaid Pariſh (except as in the ſaid Act is mentioned) for raiſing Money to defray the Expences of taking down and rebuilding the ſaid Church, not exceeding Two thouſand five hundred Pounds, ſo as ſuch Aſſeſſment ſhould not exceed Two hundred and ten Pounds in any one Year; and the ſaid Truſtees, or any Eleven or more of them, were thereby alſo impowered to aſſign over the Rates and Duties ariſing by virtue of the ſaid Act, or any Part or Proportion thereof, for any Term of Years, not exceeding Twenty five Years, for borrowing any Sum not exceeding the Sum of Two thouſand five hundred Pounds, and to lay out the ſame for the Purpoſes, and according to the Directions mentioned and preſcribed in and by the ſaid Act: And whereas the ſaid Sum of Two thouſand five hundred Pounds hath been raiſed by the

the ſaid Truſtees, purſuant to the ſaid Act; and the ſame, together with the further Sum of Four hundred and ſixty five Pounds, eighteen Shillings, and nine Pence, hath been laid out for and towards the taking down and rebuilding of the ſaid Church; but the ſaid Sums have not proved ſufficient to compleat and finiſh the ſaid Building, ſo as to render the ſame fit for the Performance of Divine Service therein: And whereas the ſaid Truſtees have cauſed an Eſtimate to be made by able and skilful Workmen, of what the further Expence of compleating and finiſhing the ſaid Church will amount to, who have computed the ſame at the Sum of One thouſand ſeven hundred and forty four Pounds, over and above the ſaid Sum of Four hundred and ſixty five Pounds eighteen Shillings and nine Pence now owing for Work and Materials for the rebuilding of the ſaid Church: And whereas the Pariſhioners of the ſaid Pariſh of *Gainsborough*, at a publick Veſtry held on the Fifth Day of *January*, One thouſand ſeven hundred and forty, have agreed, that to enable them to finiſh and compleat the ſaid Church, the Sum of One thouſand Pounds ſhall be raiſed by a Duty upon Coals conſumed in the Town of *Gainsborough*, and in lieu of a Duty upon Coals, by an Aſſeſſment on the Occupiers of Houſes, Lands, Tenements, and Hereditaments, lying within the Hamlets of *Morton*, *Walkereth*, and *Eaſt Stockwith*, in the Pariſh of *Gainsborough*; and that the Reſidue of the Money which ſhall be wanting for finiſhing the ſaid Church, and making the ſame fit for Divine Service, ſhall be raiſed by an Aſſeſſment on the Owners of Houſes, Lands, Tenements, and Hereditaments, in the whole Pariſh of *Gainsborough* (the Hamlet or Lordſhip of *High Thonock* only excepted) *&c.*

CAP. XVI.

An Act for enlarging the Term and Powers granted by an Act made in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Roads in the Pariſhes of* Kenſington, Chelſea, *and* Fulham, *and other Pariſhes therein mentioned, in the County of* Middleſex; and for repairing ſome other Roads in the Pariſh of Saint *George*, *Hanover Square*, and the ſaid Pariſhes of *Kenſington* and *Chelſea*.

WHEREAS by an Act made and paſſed in the Twelfth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for repairing the Roads in the Pariſhes of* Kenſington, Chelſea, *and* Fulham, *and other Pariſhes therein mentioned, in the County of* Middleſex, ſeveral Tolls, Duties, and Powers, were therein given and granted for repairing the ſaid Roads; which ſaid Act was to take Place, and have Continuance, from and after the Firſt Day of *June*, One thouſand ſeven hundred and twenty ſix, for and during the Term of Twenty one Years: And whereas the Truſtees appointed to put the ſaid Act in Execution, have, in purſuance of the Powers thereby to them given, borrowed ſeveral Sums of Money upon the Credit of the ſaid Act; and there now remains due thereon the Sum of Six thouſand five hundred Pounds, which have been applied, together with the Tolls and Duties collected and received by virtue of the ſaid Act, in repairing and amending the ſaid Roads according to the Directions of the ſaid Act, and great Progreſs hath been made in amending the ſaid Roads; but the ſame cannot be effectually repaired and amended according to the true Intent of the ſaid Act, unleſs the Term, Tolls, and Powers, granted and given by the ſaid Act, be enlarged, augmented, and continued, and the ſaid Act made more effectual: And whereas ſome Doubts have ariſen, whether any expreſs Power was given to the Truſtees appointed by virtue of the ſaid former Act, to remove or diſplace any Collector, Receiver, or Surveyor, or any other Officer or Servant, or to nominate or appoint any Collector, Receiver, or Surveyor, or any other Officer or Servant, other than and except at the Firſt Meeting held by the ſaid Truſtees: And whereas a Lane or Highway, commonly called *Tyburn Lane*, leading from the great *Oxford* Road, to the great Weſtern Road near *Hyde Park* Corner in the Pariſh of Saint *George*, *Hanover Square*, in the County of *Middleſex*; as alſo a Lane or Highway in the Pariſh of *Kenſington*, in the County of *Middleſex*, commonly called *Church Lane*, being the high Road leading from the *Swan* at *Kenſington Gravel Pits*, in the great *Oxford* Road, to the *Three Tuns* in *Kenſington*, near the great Weſtern Road; as alſo the Road leading from the Sign of the *Bell* at *Brumpton*, in the ſaid Pariſh of *Kenſington*, to a Lane called *Selwood*'s *Lane*, leading to the *Queen's Elm*, and from the End of *Hogmore Lane*, to the Manor-houſe at *Earls Court*, and from thence through *Earls Court Lane*, into the great Weſtern Road, in the ſaid Pariſh of *Kenſington*; as alſo a Lane in the Road between the *Bell* at *Brumpton*, and the *Queen's Elm*, leading from the *Nag's Head* in the ſaid Road, through *Blacklands*, being Part of what was formerly called *Chelſea Common*, to *Chelſea Hoſpital*; none of which ſaid Roads are compriſed within the Roads appointed to be amended and kept in Repair by the ſaid recited Act, but are near adjoining thereto, and are, by Reaſon of many heavy Carriages frequently paſſing through the ſame, become very ruinous, and many Parts thereof are in the Winter and wet Seaſons ſo bad, that the ſame are dangerous to Paſſengers: And whereas the ſaid Roads laſt mentioned cannot by the ordinary Courſe appointed by the Laws in Being for repairing of Highways be ſufficiently amended, and kept in Repair, *&c.*

Preamble, reciting the Act 12 *Geo.* I. *c.* 37.

The Tolls are further continued for 21 *Years.*

CAP. XVII.

An Act to prevent Inconveniencies ariſing from Delays of Cauſes after Iſſue joined.

WHEREAS many great Inconveniencies have ariſen to the Subjects of this Kingdom by Means of delaying the Trials of Cauſes between Party and Party after Iſſue joined; for Remedy whereof, may it pleaſe your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That where any Iſſue is or ſhall be joined in any Action or Suit at Law in any of his Majeſty's Courts of Record at Weſtminſter, the Court of Great Seſſion for the Principality of Wales, the Court of Great Seſſion for the County Palatine of Cheſter, the Court of Common Pleas for the County Palatine of Lancaſter, or the Court of Pleas for the County Palatine of Durham, and the Plaintiff or Plaintiffs in any ſuch Action or Suit hath or have neglected, or ſhall neglect, to bring ſuch Iſſue on to be tried according to the Courſe and Practice of the ſaid Courts reſpectively; it ſhall and may be lawful for the Judge or Judges of the ſaid Courts reſpectively, at any Time after ſuch Neglect, upon Motion made in open Court (due Notice having been given thereof) to give the like Judgement for the Defendant or Defendants in every ſuch Action or Suit, as in Caſes of Nonſuit, unleſs the ſaid Judge or Judges ſhall upon juſt Cauſe and reaſonable Terms allow any

Preamble.

On the Plaintiff's Neglect to bring on an Iſſue to Trial, the Court may give Judgement as in caſe of Nonſuit.

any further Time or Times for the Trial of such Issue; and if the Plaintiff or Plaintiffs shall neglect to try such Issue within the Time or Times so allowed; then and in every such Case the said Judge or Judges shall proceed to give such Judgement as aforesaid.

Judgements given by this Act to have the like Force as Judgements on Nonsuit.

II. Provided always, and be it enacted by the Authority aforesaid, That all Judgements given by virtue of this Act shall be of the like Force and Effect as Judgements upon Nonsuit, and of no other Force or Effect.

Defendant on such Judgement, to have Costs.

III. Provided also, That the Defendant or Defendants, shall upon such Judgement be awarded his, her, or their Costs, in any Action or Suit where he, she, or they would upon Nonsuit be intitled to the same, and in no other Action or Suit whatsoever.

Strange 1216. 2 Barnard. 298.

Defendant living 40 Miles off, shall have 10 Days Notice of Trial.

IV. And be it further enacted by the Authority aforesaid, That from and after the First Day of May, One thousand seven hundred and forty one, no Indictment, Information, or Cause whatsoever, shall be tried at Nisi prius before any Judge or Justice of Assize, or Nisi prius, or at the Sittings in London or Westminster, where the Defendant or Defendants reside above Forty Miles from the said Cities respectively, unless Notice of Trial in Writing has been given at least Ten Days before such intended Trial.

Notice of Trial may be countermanded 6 Days before the Trial intended.

V. And be it further enacted by the Authority aforesaid, That in case any Party or Parties shall have given such Notice of Trial as aforesaid, and shall not afterwards duly countermand the same in Writing, at least Six Days before such intended Trial, every such Party shall be obliged to pay unto the Party or Parties to whom such Notice of Trial shall have been given as aforesaid, the like Costs and Charges as if such Notice of Trial had not been countermanded.

CAP. XVIII.

An Act to indemnify Persons who have omitted to qualify themselves for Offices and Employments, within the Time limited by Law, and for allowing further Time for that Purpose.

Preamble, reciting the Acts 1 *Geo.* I. *c.* 13.

WHEREAS divers Persons, who, on Account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or the Assurance respectively appointed to be taken by such Persons, in and by an Act made in the First Year of the Reign of his late Majesty King *George*, of Glorious Memory, intituled, *An Act for the further Security of his Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess* Sophia, *being Protestants; and for extinguishing the Hopes of the pretended Prince of* Wales, *and his open and secret Abettors*; or to have qualified themselves according to an Act made in the Thirteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for the well governing and regulating Corporations*; or to have qualified themselves according to another Act made in the Twenty fifth Year of the Reign of King *Charles* the Second, intituled, *An Act for preventing Dangers which may happen from Popish Recusants*; by receiving the Sacrament of the Lord's Supper, according to the Usage of the Church of *England*, and making and subscribing the Declaration against Transubstantiation therein mentioned, have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the said Oaths and Assurance, or otherwise to qualify themselves, as aforesaid, within such Time, and in such Manner, as in and by the said Acts respectively, or by any other Act of Parliament in that Behalf made and provided, is required; whereby they may be in Danger of incurring divers Penalties and Disabilities: For quieting the Minds of His Majesty's Subjects, and for preventing any Inconveniencies that might otherwise happen by Means of such Omissions; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons, who shall, on or before the Twenty eighth Day of November, One thousand seven hundred and forty one, take and subscribe the said Oaths and Assurance respectively, in such Cases wherein by Law the said Oaths or Assurance ought to have been taken or subscribed, in such Manner and Form, and such Place and Places, as are appointed in and by the said Act made in the First Year of the Reign of His said late Majesty King George, or by any other Act or Acts of Parliament in that Behalf made and provided, and also to receive the Sacrament of the Lords Supper, according to the Usage of the Church of England, and make and subscribe the said Declaration against Transubstantiation, in such Cases wherein the said Sacrament ought to have been received, and the said Declaration ought to have been made and subscribed, shall be and are hereby indemnified, freed, and discharged of, from, and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by Reason of any former Neglect or Omission of taking or subscribing the said Oaths, or Assurance, or receiving the Sacrament, or making or subscribing the said Declaration respectively, according to the above mentioned Acts, or any of them, or any other Act or Acts concerning Persons in Offices or Places of Trust; and is, and are, and shall be fully and actually recapacitated, and restored to the same State and Condition, as such Person and Persons were in before such Neglect or Omission; and shall be deemed and adjudged to have duly qualified him, her, or themselves, according to the above mentioned Acts, and every of them; and that all Acts done, or to be done by any such Person or Persons, or by Authority derived from him or them, are and shall be of the same Force and Validity, as the same or any of them would have been, if such Person or Persons had taken the said Oaths or Assurance, and received the Sacrament of the Lord's Supper, and made and subscribed the said Declaration respectively, according to the Direction of the said Acts and every of them; and that such Person or Persons qualifying themselves in Manner and within the Time appointed by this Act, shall be to all Intents and Purposes as effectual, as if such Person or Persons had respectively taken the said Oaths, and Assurance, and received the Sacrament, and made and subscribed the said Declaration, within the Time and in the Manner appointed by the several Acts before mentioned.

Persons taking the Oath of the Act 1 *Geo.* I.

and receiving the Sacrament,

indemnified,

and recapacitated,

and their Acts valid.

But Persons not hereby restored to Places already avoided or filled up.

II. Provided always, That this Act, or any Thing therein contained, shall not extend, or be construed to extend, to restore or intitle any Person or Persons to any Office, or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgement of any of His Majesty's Courts of Record, or already filled up, or enjoyed by another Person; but that such Office, Employment, Benefice, Matter, or Thing, so avoided

or

or filled up and enjoyed as aforesaid, shall be and remain in and to the Person or Persons who is or are now intitled to the same, as if this Act had never been made.

CAP. XIX.

An Act for repairing the Roads from a Place called *Red House*, near *Doncaster*, to *Wakefield*; and through the said Town of *Wakefield*, by *Dewsbury*, *Hightown*, and *Lightcliff*, to the Town of *Halifax*, in the West Riding of the County of *York*.

WHEREAS the Highways or Roads leading from *Red House*, near *Doncaster*, through the Towns of *Wakefield*, *Dewsbury*, *Hightown*, and *Lightcliff*, to the Town of *Halifax*, being great and publick Highways, and of the Extent of Twenty two Miles by Computation, are (by Reason of the Nature of the Soil, and the Narrowness thereof in several Places, and by Reason of the many and heavy Carriages frequently passing through the same) become so exceeding deep and ruinous, that in the Winter Season, and frequently in the Summer, many Parts thereof are impassable for Waggons, Carts, and other Wheel Carriages, and very dangerous for Travellers, and cannot by the ordinary Course and Method appointed by the Laws and Statutes of this Realm now in Being, be effectually amended and kept in good Repair, &c. Preamble.

Certain Tolls are granted from 20 May, 1741, *for* 21 *Years.*

CAP. XX.

An Act to amend the Law concerning Common Recoveries, and to explain and amend an Act made in the Twenty ninth Year of the Reign of King *Charles* the Second, intituled, *An Act for Prevention of Frauds and Perjuries*, so far as the same relates to Estates *pur auter Vie*.

WHEREAS several Leases have been heretofore, and are hereafter likely to be made, of Honors, Castles, Manors, Lands, Tenements, and Hereditaments, for one or more Life or Lives, under particular Rents thereby reserved, and to be reserved: And whereas procuring Surrenders of such Freehold Leases, or the Tenants thereof to join, in order to make Tenants to the Writs of Entry or other Writs for suffering Common Recoveries, frequently occasions great Trouble, Difficulty, and Expence to Tenants in Tail, and the same cannot in many Cases be obtained, by reason of the Uncertainty in whom the legal Estate of Freehold under such Leases is vested, and also by reason of the Disabilities and Incapacities of such Lessees, or Persons claiming under them, by Means whereof Purchases and Family Settlements are often delayed, and may be in great Danger of being defeated, if some proper Remedy be not provided: Preamble. For Remedy whereof, be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons, in this present Parliament assembled, and by the Authority of the same, That all Common Recoveries suffered or to be suffered in his Majesty's Court of Common Pleas at Westminster, or in any other Court of Record in the Principality of Wales, or in any of the Counties Palatine, or in any other Court having Jurisdiction of the same, of any Honors, Castles, Manors, Lands, Tenements, or Hereditaments, without any Surrender or Surrenders of such Lease or Leases, or without the Concurrence of, or any Conveyance or Assurance from such Lessee or Lessees, or other Person or Persons claiming under such Lessee or Lessees, in order to make good Tenants to the Writs of Entry, or other Writs, whereupon such Recoveries have been or shall be had or suffered, shall be as valid and effectual in Law, to all Intents and Purposes whatsoever, as if such Lessee or Lessees, or any other Person or Persons claiming under him, her, or them, had conveyed, or joined in conveying, or shall convey, or join in conveying, a good Estate of Freehold to such Person or Persons as has or have been, or shall become, Tenant or Tenants to such Writs of Entry, or other Writs, whereupon such Common Recoveries have been or shall be suffered. Common Recoveries to be valid, without surrender of Freehold Leases.

II. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to make any Common Recoveries valid and effectual in Law, unless the Person or Persons intitled to the first Estate for Life, or other greater Estate (in case there be no such Estate for Life in Being) in Reversion or Remainder next after the Expiration of such Leases has or have by some lawful Act or Means conveyed or assured, or joined in conveying or assuring, or shall by some lawful Act or Means convey or assure, or join in conveying or assuring, an Estate for Life at the least, to such Person or Persons as has or have been, or shall become, Tenant or Tenants to the Writs of Entry, or other Writs, whereupon such Common Recoveries have been or shall be suffered. What shall make Common Recoveries valid.

III. Provided also, That nothing in this Act contained, shall be construed to extend to prejudice the Estate of such Lessee or Lessees, or any Person or Persons claiming any Interest under such Lessee or Lessees. Proviso.

IV. And whereas, by the Default or Neglect of Persons employed in suffering Common Recoveries, it has happened, and may happen, that such Recoveries are not entered on Record, whereby Purchasers for a valuable Consideration may be defeated of their just Rights; For Remedy thereof, be it further enacted by the Authority aforesaid, That where any Person or Persons hath or have purchased, or shall purchase, for a valuable Consideration, any Estate or Estates in Lands, Tenements, or Hereditaments, whereof a Recovery or Recoveries is, are, or were necessary to be suffered, in order to compleat the Title, such Person and Persons, and all claiming under him, her, or them, having been in Possession of the purchased Estate or Estates from the Time of such Purchase, shall and may, after the End of Twenty Years from the Time of such Purchase, produce in Evidence the Deed or Deeds, making a Tenant to the Writ or Writs of Entry, or other Writs for suffering a Common Recovery or Common Recoveries, and declaring the Uses of a Recovery or Recoveries, and the Deed or Deeds so produced (the Execution thereof being duly proved) shall in all Courts of Law and Equity be deemed and taken as a good and sufficient Evidence for such Purchaser and Purchasers, and those claiming under him, her, or them, that such Recovery or Recoveries was or were duly suffered and perfected according to the Purport of such Deed or Deeds, in case no Record can be found of such Recovery or Recoveries, or the same should appear not to be regularly Evidence to be allowed of Common Recoveries. Proviso.

Proviſo. gularly entered on Record: Provided always, that the Perſon or Perſons making ſuch Deed or Deeds as aforeſaid, and declaring the Uſes of a Common Recovery or Recoveries, had a ſufficient Eſtate and Power to make a Tenant to ſuch Writ or Writs as aforeſaid, and to ſuffer ſuch Common Recovery or Recoveries.

Common Recoveries not diſputed in 20 Years, ſhall be deem'd valid.

V. And whereas it has frequently happened, that the Deeds for making the Tenant to the Writs of Entry or other Writs for ſuffering Common Recoveries, have been loſt, or that the Fines or Deeds, making the Tenants to the ſaid Writs, have not been levied or executed till after the Judgement given in ſuch Recoveries, and the Writ of Seiſin awarded, by Reaſon whereof great Doubts have ariſen, whether ſuch Recoveries, for want of proper Tenants to the Writs, are good and effectual in Law; to prevent ſuch Doubts for the future, and in order to render Common Recoveries more certain and effectual, Be it enacted by the Authority aforeſaid, That every Common Recovery already ſuffered, or hereafter to be ſuffered, ſhall, after the Expiration of Twenty Years from the Time of the ſuffering thereof, be deemed good and valid to all Intents and Purpoſes, if it appears upon the Face of ſuch Recovery, that there was a Tenant to the Writ; and if the Perſons joining in ſuch Recovery had a ſufficient Eſtate and Power to ſuffer the ſame, notwithſtanding the Deed or Deeds for making the Tenant to ſuch Writ ſhould be loſt or not appear.

Recovery to be deem'd good, though the Deed be executed after the Time.

VI. And be it further enacted by the Authority aforeſaid, That from and after the Commencement of this Act, every Recovery already ſuffered, or hereafter to be ſuffered, ſhall be deemed good and valid to all Intents and Purpoſes, notwithſtanding the Fine, or Deed or Deeds, making the Tenant to ſuch Writ ſhall be levied or executed after the Time of the Judgement given in ſuch Recovery, and the Award of the Writ of Seiſin as aforeſaid, provided the ſame appear to be levied or executed before the End of the Term, Great Seſſion, Seſſion, or Aſſizes, in which ſuch Recovery was ſuffered, and the Perſons joining in ſuch Recovery, had a ſufficient Eſtate and Power to ſuffer the ſame as aforeſaid.

What Recoveries not to be made valid.

VII. Provided always, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to make any ſuch Common Recovery heretofore ſuffered, valid, and effectual in Law, which has been avoided by any lawful Act or Means, or which ſhall hereafter be avoided by Entry duly made on or before the Sirteenth Day of January, One thouſand ſeven hundred and forty, or by Judgement or Decree had or obtained upon ſome Action or Suit at Law or in Equity, commenced or to be commenced on or before the ſaid Sirteenth Day of January, and proſecuted with due Diligence; but every ſuch Common Recovery ſhall remain and be of ſuch Force and Effect only, as the ſame would have been if this Act had never been made, and of no other Force or Effect.

Proviſo.

VIII. Provided, That nothing in this Act contained ſhall be conſtrued to prejudice or affect any Queſtion of Law, which may ariſe upon Common Recoveries not remedied or intended to be remedied by this Act; but all ſuch Common Recoveries ſhall remain and be of ſuch Force and Effect, as the ſame would have been if this Act had never been made, and of no other Force or Effect.

29 *Car* II. *cap.* 3.

IX. And whereas, by an Act made in the Twenty ninth Year of the Reign of King *Charles* the Second, intituled, *An Act for Prevention of Frauds and Perjuries*, amongſt other Things, it is enacted, That Eſtates *pur auter Vie*, whereof no Deviſe ſhould be made, ſhould, in caſe there ſhould be no ſpecial Occupant thereof, go to the Executors or Adminiſtrators of the Party that had the Eſtate thereof by virtue of the Grant, and ſhould be Aſſets in their Hands: And whereas Doubts have ariſen, where no Deviſe has been made of ſuch Eſtates, to whom the Surplus of ſuch Eſtates, after the Debts of ſuch deceaſed Owners thereof are fully ſatisfied, ſhall belong; Be it enacted by the Authority aforeſaid, That ſuch Eſtates pur auter Vie, in caſe there be no ſpecial Occupant thereof, of which no Deviſe ſhall have been made, according to the ſaid Act for Prevention of Frauds and Perjuries, or ſo much thereof as ſhall not have been ſo deviſed, ſhall go, be applied, and diſtributed, in the ſame Manner as the perſonal Eſtate of the Teſtator or Inteſtate.

Surplus of Eſtates *pur auter Vie*, how to paſs, if not deviſed.

CAP. XXI.

An Act to indemnify Proteſtant Purchaſers of Eſtates of Papiſts, againſt the Penalties or Forfeitures Papiſts are liable to, for not having inrolled their Eſtates, in Purſuance of an Act of the Third Year of the Reign of his late Majeſty King *George* the Firſt, for that Purpoſe.

Preamble reciting the Act 3 *Geo.* I. *c.* 18.

WHEREAS in and by an Act paſſed in the Third Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for explaining an Act paſſed in the laſt Seſſion of Parliament, intituled*, An Act to oblige Papiſts to regiſter their Names and real Eſtates, and for enlarging the Time for ſuch Regiſtering, and for ſecuring Purchaſes made by Proteſtants; it was enacted, That no Manors, Lands, Tenements, Hereditaments, or any Intereſt therein, ſhould paſs from any Papiſt, by any Deed or Will, except ſuch Deed within Six Months after the Date thereof, and ſuch Will within Six Months after the Death of the Teſtator, ſhould be inrolled in one of the King's Courts of Record at *Weſtminſter*, or elſe within the ſaid County or Counties wherein the Manors, Lands, and Tenements lay, by the *Cuſtos Rotulorum*, and Two Juſtices of the Peace, and the Clerk of the Peace of the ſaid County or Counties, or Two of them at the leaſt, whereof the Clerk of the Peace to be one: And whereas many Purchaſes made by Proteſtants ſince the making of the ſaid Act may be in Danger of being impeached, or called in Queſtion, by reaſon that ſome Deeds or Wills, neceſſary to make out the Title, have not been duly inrolled according to the Directions of the ſaid Act; may it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That no Purchaſe really and truly made, on or before the Twenty ninth Day of September, One thouſand ſeven hundred and forty one, for a full and valuable Conſideration, of any Manors, Meſſuages, Lands, Tenements, or Hereditaments, or of any Intereſt therein, by any Proteſtant or Proteſtants, of any Papiſt or Papiſts, and meerly and only for the Benefit of Proteſtants, ſhall be impeached or avoided, for or by Reaſon that any Deed or Will, neceſſary to make out the Title to the ſame, hath not been duly inrolled according to the ſaid Act; provided

Further Time given to enroll Purchaſes.

vided that such Deed or Will shall be inrolled on or before the Twenty fifth Day of March, One thousand seven hundred and forty two, in such Manner as by the said Act is directed; any thing in the said Act contained to the contrary thereof in any wise notwithstanding.

II. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to make void or annul any Judgement or Judgements already given against any Person or Persons, who hath or have incurred the Penalties of the said Act, for not inrolling as aforesaid. Judgements already given not to be made void.

CAP. XXII.

An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Seven Years; and for allowing Rock Salt to be used in making of Salt from Sea Water at the Salt Works at *Neath* in the County of *Glamorgan*.

WHEREAS by an Act of Parliament made in the Fifth and Sixth Years of the Reign of their late Majesties King *William* and Queen *Mary*, of Glorious Memory, intituled, *An Act for granting to their Majesties certain Rates and Duties upon Salt, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of Ten hundred thousand Pounds, towards carrying on the War against* France; it was, amongst other things, enacted, That from and after the Twenty fifth Day of *March*, One thousand six hundred and ninety four, there should be throughout the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, raised, levied, collected, and paid unto their Majesties, their Heirs, and Successors, until the Seventeenth Day of *May*, which should be in the Year of our Lord One thousand six hundred and ninety seven, for Salt, the Rates and Duties following; that is to say, For every Gallon of Salt, not being of the Product or Manufacture of the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, imported, or to be imported into *England*, *Wales*, or *Berwick* upon *Tweed*, the Sum of Three Pence of lawful Money of *England*, over and above the then Duties payable on Salt imported, and after that Rate for a greater or lesser Quantity; and for every Gallon of Salt and Rock Salt, made at the Salt Works, or taken out of any Pits within the said Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, the Sum of One Peny Halfpeny, and after that Rate for a greater or lesser Quantity, with divers Provisions and Directions in the said Act contained, for managing, collecting, paying, and applying the said Duties: And whereas by another Act made in the Seventh and Eighth Years of the Reign of his said late Majesty King *William* the Third, intituled, *An Act for continuing to His Majesty certain Duties upon Salt, Glass Wares, Stone and Earthen Wares; and for granting several Duties upon Tobacco-pipes, and other Earthen Wares; for carrying on the War against* France; *and for establishing a National Land Bank; and for taking off the Duties upon Tonnage of Ships, and upon Coals*; the same Rates and Duties were continued for ever for the Purposes of the said Act: And whereas by an Act of Parliament made in the Ninth and Tenth Years of the Reign of his said late Majesty King *William* the Third, intituled, *An Act for raising a Sum not exceeding Two Millions upon a Fund for Payment of Annuities, after the Rate of Eight Pounds* per Centum per Annum; *and for settling the Trade to the* East Indies; it was, amongst other Things, enacted, That there should be raised, levied, collected, and paid unto His Majesty, His Heirs, and Successors for ever, for Salt, the several additional Rates and Duties following; that is to say, For every Gallon of Salt, from and after the Twenty fourth Day of *December*, in the Year of our Lord One thousand six hundred and ninety nine, imported from foreign Parts, the Sum of Seven Pence, of lawful Money of *England*, to be paid by the Importer or Importers thereof, and after that Rate for a greater or lesser Quantity; and for every Gallon of Salt, and Rock Salt, from and after the Twenty fourth Day of *December*, One thousand six hundred and ninety nine, made at the Salt Works, or taken out of any Pit or Pits within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, the Sum of Three Pence Halfpeny, of like Money, and after that Rate for a greater or lesser Quantity: And whereas by the Articles of Union between the Kingdoms of *England* and *Scotland*, all the said Duties on Salt were, from the Times therein mentioned, to take Place in *Scotland* (except the additional Duty on home-made Salt) with some Provisions for preventing Salt made in *Scotland* from being brought into *England*, without paying the said additional Duty on Salt made in *England*: And whereas by an Act of Parliament made in the Third Year of the Reign of His present Majesty, intituled, *An Act for taking off certain Duties upon Salt, and for making good any Deficiencies in the Funds that may happen thereby; and for charging the reduced Annuity payable to the* East India *Company on the Aggregate Fund, and for Relief of* Matthew Lyon, *Executor of* Matthew Page *deceased, in respect of the Duty for Salt lost by the overflowing of the River* Mercy, *in the Year One thousand seven hundred and twenty four*, it was enacted, That from and after the Twenty fifth Day of *December*, in the Year of Our Lord One thousand seven hundred and thirty, the Duty of One Peny Halfpeny *per* Gallon on Salt and Rock Salt made in this Kingdom, which was granted by the said Act of the Fifth and Sixth Years of the Reign of Their late Majesties King *William* and Queen *Mary*, and also all the additional Duties on Salt, whether imported from foreign Parts, or home-made, which were granted by the said Act of the Ninth and Tenth Years of the Reign of His said late Majesty King *William* the Third, should cease, determine, and be no longer paid or payable; and then and from thenceforth all the Powers and Authorities given or granted by any Act or Acts of Parliament, for the levying, securing, collecting, or recovering the same; and all Penalties and Forfeitures relating thereto, and all Provisions, Regulations, or Restrictions, relating to the importing or bringing of Salt made in *Scotland* into *England*, without paying the said additional Duty on Salt, shall cease, determine, and not be put in Execution; and then, and from thenceforth, the Right or Demand of any Person or Persons, in pursuance of the said recited Acts, or any of them, on his, or their exporting beyond the Seas any Salt, for which the said Duties had been before secured or paid, to have the Securities for the same discharged, or the Monies paid for the same repaid, should cease and determine, as to so much of such Securities or Payments as were given or made for any of the Duties by the said Act to be determined; and that no Drawback on account of such Duties so secured or paid before the said Twenty fifth Day of *December*, in the Year of our Lord One thousand seven hundred and thirty (except for the Duty of Three Pence *per* Gallon on foreign Salt, imposed by the first herein recited Act) should be made and allowed on any Salt exported beyond the Seas after that Time; with a Proviso in the said Act contained, that the same should not extend to determine the said Duty of Three Pence *per* Gallon on Salt not of the Product or Manufacture of the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, so as aforesaid granted by the said Act of the Fifth and Sixth Years of the Reign of their said

Preamble, reciting the Acts 5 & 6 *W.* & *M. cap.* 7.

7 & 8 *W.* III. *cap.* 31.

9 & 10 *W.* III. *cap.* 44.

3 *Geor.* II. *cap.* 20.

ſaid late Majeſties King *William* and Queen *Mary*, nor to determine or make void any of the Proviſions, Rules, or Directions, made by the ſaid Acts, or any of them, and then in Force, for Payment of the ſaid Duties by the Importers of ſuch foreign Salt upon the Entry thereof, or for preventing the landing thereof before ſuch Entry made, or the ſecuring the ſame by Bond with ſufficient Sureties, or for allowing the Diſcounts for paying the ſaid Duty in ready Money, or for Allowances for Drawbacks of the Duties paid or ſecured on the re-exporting the ſame to foreign Parts, or making good any Accidents or Loſſes that might happen in ſuch Salt, after ſhipping the ſame for Exportation to foreign Parts, or to be carried Coaſtwiſe, or for aſcertaining the Weight in each Buſhel by which the ſaid Duty ſhould be computed, or to determine or make void any former Act or Clauſe relating to the Ships or Veſſels laden with foreign Salt, found hovering on the Coaſt, or relating to ſuch Salt exported to *Ireland*, and landed there; but the ſame, and every of them, ſhould remain and be in as full Force and Virtue as they then were, if the ſaid laſt recited Act had not been made: And whereas by an Act of Parliament made in the Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for reviving the Duties on Salt for the Term therein mentioned*, it was enacted, That from and after the Twenty fifth Day of *March*, One thouſand ſeven hundred and thirty two, for and during the Space of Three Years, the Duty of One Peny Halfpeny *per* Gallon on all Salt and Rock Salt made at the Salt Works, or taken out of any Pits in this Kingdom, and after that Rate for a greater or leſſer Quantity; which was granted by the ſaid Act of the Fifth and Sixth Years of the Reign of their late Majeſties King *William* and Queen *Mary*, and ſince made perpetual; and alſo all the additional Duties on Salt (whether imported from foreign Parts, or made in any Part of *Great Britain*) which were granted by the ſaid Act of the Ninth and Tenth Years of the Reign of his ſaid late Majeſty King *William* the Third, or made payable by the Articles of Union between the Kingdoms of *England* and *Scotland*, ſhould be revived, and be payable and paid in ſuch Manner, with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to *Ireland*, as if the ſaid laſt recited Act of the Third Year of the Reign of His preſent Majeſty had never been made; and that all the Powers and Authorities given by the ſaid recited Acts, or either of them, or by any other Act or Acts of Parliament, for levying, collecting, recovering, ſecuring, and paying the ſaid Duties, and all Penalties and Forfeitures relating thereto, and all Proviſions for the Diſtribution of ſuch Penalties and Forfeitures between His Majeſty and the Informers, when recovered, and the Methods of ſuing for recovering, receiving, and mitigating the ſame, and all Proviſions, Regulations, or Reſtrictions relating to the importing or bringing of Salt made in *Scotland* into *England*, without paying the ſaid additional Duty on Salt, ſhould be revived, and be in full Force and Virtue; and that the Right or Demand of any Perſon or Perſons in purſuance of the ſaid Acts, for or in reſpect of his or their exporting beyond the Seas any Salt, for which the ſaid Duties ſhould be paid, or ſecured to be paid, to have the Securities for the ſame diſcharged, or the Monies paid for the ſame repaid, ſhould be alſo revived, and all Drawbacks, on Account of ſuch Duties ſo ſecured or paid, ſhould be made or allowed, for or in reſpect of the Exportation of Salt to Parts beyond the Seas (whether the ſame ſhould be foreign Salt, or made within any Part of *Great Britain*) in the ſame Manner as ſuch Drawbacks ought to have been made, if the ſaid laſt recited Act had not been made. And whereas the Rates or Duties of One Shilling and eight Pence *per* Thouſand on all Red Herrings, and of Three Shillings and Four Pence *per* Barrel on all White Herrings cured promiſcuouſly with Red Herrings, or White Herrings deſigned for Exportation but afterwards delivered out for Home Conſumption, which were impoſed by two ſeveral Acts made in the Eighth Year of the Reign of His late Majeſty King *George* the Firſt, and which in Conſequence of the ſaid recited Act of the Third Year of His preſent Majeſty, were reduced to the Rate of Four Pence for every Thouſand of ſuch Red Herrings, and of Eight Pence for every Barrel of ſuch White Herrings, were likewiſe revived by the ſaid laſt recited Act of the Fifth Year of His preſent Majeſty: And whereas the Allowance of Five Shillings *per* Barrel on the Exportation of ſalted Beef and Pork exported for Sale from any Part of *Great Britain* to any Parts beyond the Seas, which was given by the Eighth Article of the Treaty of Union between the Kingdoms of *England* and *Scotland*; and by an Act made in the Fifth Year of the Reign of Her late Majeſty Queen *Anne*, and which in Conſequence of the ſaid recited Act of the Third Year of His preſent Majeſty, was reduced to an Allowance of One Shilling and Six Pence *per* Barrel, was alſo revived by the ſaid laſt recited Act of the Fifth Year of His preſent Majeſty: And whereas by an Act of Parliament made and paſſed in the Seventh Year of His Majeſty's Reign, intituled, *An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Seven Years, and for licenſing the erecting new Refineries of Rock Salt in the Counties of* Kent *and* Suffolk, it was enacted, That from and after the Determination of the ſaid Term of Three Years in the ſaid laſt recited Act of the Fifth Year of His Majeſty's Reign mentioned, the ſeveral and reſpective Rates and Duties upon Salt, and upon Red and White Herrings, which by the ſaid Act were revived, ſhould be further continued for and during the Space of Seven Years, and that the ſame ſhould be managed, raiſed, levied, collected, ſecured, and paid, in ſuch Manner and Form, and by and under ſuch Powers, Authorities, Penalties, Forfeitures, Proviſions, Reſtrictions, and Regulations, for managing, raiſing, levying, collecting, ſecuring, and paying the ſame; and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to *Ireland*; and for Fiſh, Beef, and Pork exported to Parts beyond the Seas, and with ſuch Drawbacks and Debentures on account of Duties paid, or ſecured to be paid, for Salt exported to Parts beyond the Seas, as were particularly mentioned in the ſaid laſt recited Act; and that the ſaid laſt recited Act, and every Article, Rule, Clauſe, Matter, and Thing therein contained, or thereby referred unto, and then being in Force (not otherwiſe altered by the ſaid Act) ſhould be and continue in full Force for and during the ſaid further Term of Seven Years, as fully and amply, to all Intents and Purpoſes, as if the ſame had been particularly recited, expreſſed, and enacted in the Body of the ſaid Act: And whereas by an Act of Parliament made and paſſed in the Eighth Year of His Majeſty's Reign, intituled, *An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years, and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices*, it was enacted, That from and after the Determination of the ſaid Term of Seven Years, in the ſaid laſt recited Act of the Seventh Year of His Majeſty's Reign mentioned, the ſeveral and reſpective Rates and Duties upon Salt, and upon Red and White Herrings, which by the ſaid laſt recited Act were continued, ſhould be further continued for and during the Space of Four Years, and that the ſame ſhould be managed, raiſed, levied, collected, ſecured, and paid, in ſuch Manner and Form, and by and under ſuch Powers, Authorities, Penalties, Forfeitures, Proviſions, Reſtrictions, and Regulations for managing, raiſing, levying, collecting, ſecuring, and paying the ſame, and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe, or to *Ireland*; and for Fiſh, Beef, and Pork exported to Parts beyond the Seas, and with ſuch Drawbacks or Debentures, on account of Duties paid, or ſecured to be paid, for Salt exported to Parts beyond the Seas, as were particu-

5 *Geo.* II. *cap.* 6.

7 *Geo.* II. *cap.* 6.

8 *Geo.* I. *cap.* 4. & 16.

8 *Geo.* II. *cap.* 12.

larly mentioned in the ſaid laſt recited Act, and that the ſaid laſt recited Act, and every Article, Rule, Clauſe, Matter, and Thing, therein contained, or thereby referred unto, and then being in Force, not otherwiſe altered by the ſaid Act, ſhould be and continue in full Force and Effect for and during the ſaid further Term of Four Years, as fully and amply to all Intents and Purpoſes, as if the ſame had been particularly, recited, expreſſed, and enacted in the Body of the ſaid Act: **Now we Your Majeſty's moſt dutiful and loyal Subjects, the Commons of** Great Britain **in Parliament aſſembled, towards raiſing the neceſſary Supplies for defraying the Expences of Your Majeſty's Government, have freely reſolved to continue all and every the Rates and Duties upon Salt, and upon Red and White Herrings, by the ſaid laſt recited Act continued; and do moſt humbly beſeech Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Determination of the ſaid Term of Four Years in the ſaid laſt recited Act mentioned, the ſeveral and reſpective Rates and Duties upon Salt, and upon Red and White Herrings, which by the ſaid laſt recited Act were continued, ſhall be and are hereby further continued for and during the Space of Seven Years; and that the ſame ſhall be managed, raiſed, levied, collected, ſecured, and paid, in ſuch Manner and Form, and by and under ſuch Powers, Authorities, Penalties, Forfeitures, Proviſions, Reſtrictions, and Regulations for managing, raiſing, levying, collecting, ſecuring, and paying the ſame, and with ſuch Allowances for prompt Payment, and for Waſte on Salt carried Coaſtwiſe or to** Ireland, **and for Fiſh, Beef, and Pork, exported to Parts beyond the Seas, and with ſuch Drawbacks or Debentures on Account of Duties paid, or ſecured to be paid, for Salt exported to Parts beyond the Seas, as are particularly mentioned in the ſaid before recited Acts; and that the ſaid before recited Acts, and every Article, Rule, Clauſe, Matter, and Thing therein contained, or thereby referred unto, and now being in Force, and not otherwiſe altered by this Act, ſhall be and continue in full Force and Effect for and during the ſaid further Term of Seven Years, as fully and amply to all Intents and Purpoſes, as if the ſame were particularly recited, expreſſed, and enacted in the Body of this Act.**

All the Powers, &c. in the former Acts are further continued by this Act for 7 Years.

II. **And it is hereby alſo enacted, That there ſhall be provided and kept in the Office of the Auditor of the Receipt of the Exchequer, One Book or Regiſter, in which all the Orders for Money payable upon this Act ſhall be entered and regiſtered; and that it ſhall and may be lawful to and for any Perſon or Perſons, Natives or Foreigners, Bodies Politick or Corporate, to advance and lend to his Majeſty, at the ſaid Receipt, upon Credit of the ſaid ſeveral Rates and Duties by this Act continued, any Sum or Sums of Money not exceeding One million two hundred thouſand Pounds, which Lenders ſhall have Intereſt for the Forbearance of their reſpective Loans, not exceeding the Rate of Four Pounds** per Centum per Annum; **ſo as ſuch Loans be allowed to be made by the Commiſſioners of the Treaſury, or any Three or more of them now being, or by the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, who are hereby authorized to iſſue their Warrants for that Purpoſe, as faſt as ſuch Loans ſhall be wanted for the publick Service, the ſaid Intereſt to be paid every Three Months from the making ſuch Loans, until the Satisfaction of the principal Sums reſpectively; and that no Money ſo to be lent, ſhall be rated or aſſeſſed in any Tax or Aſſeſſment whatſoever; and that every ſuch Lender ſhall immediately have a Tally of Loan ſtruck for the Money by him, her, or them lent, and an Order of the ſame Date for Repayment thereof, with ſuch Intereſt as aforeſaid; and that all ſuch Orders ſhall be regiſtered in Courſe according to their Dates, and all Perſons thereupon ſhall be paid in Courſe as their Orders ſhall ſtand regiſtered, ſo as the Perſon or Perſons, Natives or Foreigners, his, her, or their Executors, Adminiſtrators, or Aſſigns, whoſe Orders ſhall be firſt regiſtred, ſhall be accounted the Perſon or Perſons to be firſt paid, and ſo ſucceſſively in Courſe; and that the Monies to come in by this Act of the ſaid Duties, ſhall be in the ſame Order liable to the Satisfaction of the ſaid reſpective Perſons, their Executors, Adminiſtrators, or Aſſigns, ſucceſſively, without undue Preference of one before another, and not otherwiſe, and ſhall not be diverted or divertible to any other Uſe, Intent, or Purpoſe whatſoever; and that no Fee, Reward, or Gratuity, directly or indirectly, be demanded or taken for providing or making any ſuch Books or Regiſters, or any Entries, Views, or Search in or for Payment of Money lent, or the Intereſt thereof, as aforeſaid, by any of his Majeſty's Officer or Officers, their Clerks or Deputies, on Pain of Payment of Treble Damages to the Party aggrieved by the Party offending, with full Coſts of Suit; or if the Officer himſelf take or demand any ſuch Fee or Reward, then to forfeit his Place alſo, and if any undue Preference of one before another ſhall be made in Point of Regiſtry or Payment, contrary to the true Meaning of this Act, by any ſuch Officer or Officers, then the Party offending ſhall be liable by Action of Debt or on the Caſe to pay the Value of the Debt, with full Coſts of Suit, to the Party aggrieved, and ſhall be forejudged of his Place or Office; and if ſuch Preference be unduly made by any his Deputy or Clerk, without Direction or Privity of his Maſter, then ſuch Deputy or Clerk only ſhall be liable to ſuch Action, Debt, Damages, and Coſts, and ſhall be for ever after incapable of his Place or Office; and in caſe the Auditor of the Receipt ſhall not direct, or the Clerk of the Pells record, or the Tellers make Payment, according to each Perſon's due Place and Order, as before directed, then he or they ſhall be adjudged to forfeit, and the reſpective Deputies and Clerks therein offending to be liable to ſuch Action, Debt, Damages, and Coſts, in ſuch Manner as aforeſaid; all which ſaid Penalties, Forfeitures, Damages, and Coſts, to be incurred by any of the Officers of the Exchequer, or any their Deputies or Clerks, ſhall and may be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majeſty's Courts of Record at** Weſtminſter, **wherein no Eſſoign, Protection, Privilege, Wager of Law, Injunction, or Order of Reſtraint, ſhall be in any wiſe granted or allowed.**

Clauſe of Loan for 1,200,000*l.* at 4*l. per Cent.* Orders to be regiſtered. No undue Preference.

III. **Provided always, That if it ſhall happen, that ſeveral Tallies of Loan, or Orders for Payment, as aforeſaid, bear Date or be brought the ſame Day to the Auditor of the Receipt**

What ſhall not be accounted undue Preference.

Receipt to be registered, then it shall be interpreted no undue Preference which of those be entered first, so as he enters them all the same Day.

Proviso. IV. Provided also, That it shall not be interpreted any undue Preference to incur any Penalty in point of Payment, if the Auditor direct, and the Clerk of the Pells record, and the Tellers do pay subsequent Orders of Persons that come and demand their Monies, and bring their Orders, before other Persons who did not come to take their Monies, and bring their Orders in Course, so as there be so much Money reserved as will satisfy precedent Orders, which shall not be otherwise disposed of, but kept for them, Interest upon Loan being to cease from the Time the Money is so reserved and kept in Bank for them.

Orders assignable. V. And be it further enacted, That all and every Person and Persons to whom any Money shall be due for Loans by virtue of this Act, after Order entered in the Book of Registry aforesaid, his, her, or their Executors, Administrators, or Assigns, by proper Words of Assignment to be indorsed on his, her, or their Order, may assign or transfer his, her, or their Right, Title, Interest, and Benefit of such Order, or any Part thereof, to any other, which being notified in the Office of the Auditor of the Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Registry aforesaid for Orders (which the Officers shall upon Request without Fee or Charge accordingly make) shall intitle such Assignee, his, her, or their Executors, Administrators, Successors, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign again, and so toties quoties; and afterwards it shall not be in the Power of such Person or Persons who have or hath made such Assignment, to make void, release, or discharge the same, or any the Monies thereby due, or any Part thereof.

VI. And to the End there may be no Want or Failure of a certain Sum, not to exceed in the whole, One million two hundred thousand Pounds, to be raised either by such Loans as aforesaid, or by issuing Exchequer Bills as is herein after mentioned, or by both or either of those Ways or Means, for the publick Service; be it further provided and enacted by the Authority aforesaid, That in case the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall judge it more adviseable to raise the said Sum of One million two hundred thousand Pounds, or any Part thereof, by Exchequer Bills instead of such Loans as aforesaid; that then they respectively are hereby authorized and impowered at any Time or Times, at once, or by such Proportions at a Time as they respectively shall find to be most for the Advantage of the Publick, to prepare and make, or cause to be prepared and made, at the Exchequer, in such Method and Form as they or he shall think most safe and convenient, any Number of new Exchequer Bills containing One common Sum, or different Sums in the principal Monies, so that in case there shall be no Loans made, then all the principal Sums to be contained in the said Bills to be made forth by this Act shall not exceed One million two hundred thousand Pounds; and in case any such Loans shall be made as aforesaid, then all the principal Sums to be contained in the said Bills to be made forth by this Act, together with such Loans so made, shall not exceed One million two hundred thousand Pounds.

Treasury may issue Exchequer Bills, bearing Interest.

Interest when to cease. VII. And be it further enacted by the Authority aforesaid, That the said Bills to be prepared and made in pursuance of this Act, shall bear an Interest not exceeding the Rate of Four Pounds per Centum per Annum, and so proportionably for any greater or lesser Sum to be contained therein, and to be payable to the Bearers thereof respectively; nevertheless the said Interest shall be abated and saved on such of the said Bills to be made forth by this Act, as shall at any Time or Times be in the Receipt of the Exchequer, or in the Hands or Power of any Receivers or Collectors of any Taxes, Aids, or Revenues whatsoever, payable to His Majesty, His Heirs, or Successors, during such Time and Times respectively, as such Bills shall be or remain in the said Receipt, or in such Hands or Power, as aforesaid.

The said Bills to be numbered, registered, and paid in Course. VIII. And it is hereby enacted, That all the said Bills so to be prepared and made, shall be numbered arithmetically, beginning with N° I. and so proceeding in an Arithmetick Progression ascending, wherein the common Excess or Difference shall always be One, and shall be registered accordingly, so that the Principal Sum to be contained in every such Bill (after Repayment of the Loans which shall have been made as aforesaid, if any such be, with the Interest thereof, or reserving Money sufficient for that Purpose) may regularly be paid off and discharged in Course, according to the Number of every such Bill, as it shall stand in the said Register; and that the Interest upon all and every the same Bills shall be payable every Three Months, according to the Purport and true Meaning of this Act; and that upon every such Bill there shall be indorsed, printed, or written, in Words at length, or in Figures, the Sum after which the Principal to be contained therein shall be payable in such Course as aforesaid, according to the Purport and true Meaning of this Act.

Treasury to direct the Course of Payment. IX. Provided always, and be it enacted by the Authority aforesaid, That in case the said Sum not exceeding One million two hundred thousand Pounds, shall be raised partly by Loans, and partly by Exchequer Bills, according to the Powers before given by this Act, that then and in such Case it shall and may be lawful to and for the Commissioners of His Majesty's Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, when and as often as they shall by virtue of the said Powers direct any such Loans to be taken, or any such Exchequer Bills to be made out, at the same time also to direct and appoint the Course and Order in which such Loans or Exchequer Bills shall stand upon the Register, and after what Sum they shall respectively begin to be payable in Course out of the Monies arising by this Act, so as no subsequent Loans or Exchequer Bills be made to alter the Course at first appointed for prior Loans or Exchequer Bills at the time of taking in or making out such prior Loans or Exchequer Bills; any thing herein before contained to the contrary in any wise notwithstanding.

X. And

X. And it is hereby further enacted, That all the said Bills shall be prepared and made with such Cheques, Indents, or Counterfoils, as shall be directed by the said Commissioners of the Treasury, or any Three or more of them now being, or by the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being; and that the Person or Persons who shall be appointed to pay off the said Bills in Course, shall from time to time have the Use and Custody of one Part of all the Cheques, Indents, or Counterfoils of the said Exchequer Bills, to be prepared and made by virtue of this Act, from which the said Bills shall have been cut, to prevent his or their being imposed upon by counterfeit or forged Bills, and that the Undertakers or Contractors for exchanging and circulating the said Bills, or such of them as shall be current, shall from time to time have the Use and Custody of one other Part of all the said Cheques, Indents, or Counterfoils of the said Exchequer Bills, from which the same shall have been cut off as aforesaid, in order to prevent their being imposed upon by any counterfeit or forged Bills; and that all the said Parts of the said Cheques, Indents, or Counterfoils of the said Exchequer Bills, shall be delivered back into the Exchequer, when the said Bills to be made forth by virtue of this Act shall be paid off, cancelled, and discharged. The Bills to be made with Cheques, &c.

XI. And it is hereby enacted, That the said Commissioners of the Treasury, or any Three or more of them now being, and the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall, and they are hereby respectively authorized and impowered to cause such Bills, as shall be prepared by virtue of this Act, to be placed as so much Cash in the respective Offices of the Tellers of the said Receipt of Exchequer, each and every of which Tellers shall be severally charged with the Proportion of the said Bills, which shall be so placed in his Office respectively; any Law or Usage to the contrary notwithstanding. and placed as Cash in the Exchequer.

XII. And be it further enacted by the Authority aforesaid, That all the said Bills to be issued as aforesaid, shall be current in like Manner, and with such Privileges and Advantages, and subject to such Rules and Directions, as are prescribed and enacted by an Act of this present Session of Parliament, intituled, An Act for granting an Aid to His Majesty by a Land Tax to be raised in *Great Britain*, for the Service of the Year One thousand seven hundred and forty one, for or concerning the Exchequer Bills thereby authorized to be made forth; and that all and every the Clauses or Provisoes in the said last mentioned Act relating to the Currency, exchanging, or receiving the same last mentioned Exchequer Bills by any publick Receivers of Aids, Cares, or Supplies, or in His Majesty's Receipt of the Exchequer, or for preventing the forging, counterfeiting, or altering the same Bills, or for making out new Bills in the Room of such as shall be filled up with Indorsements, defaced, lost, burnt, or otherwise destroyed, or for making out Exchequer Bills of Five thousand Pounds each, or for making out Exchequer Bills without bearing Interest, or for making them afterwards to bear an Interest, or a higher or lower Interest from time to time as the Contractors shall agree to, or for preventing any Misapplication of the Fund on which the same are charged, or any other Misbehaviour of any Officers concerned in the receiving, issuing, exchanging, paying off, or cancelling the same last mentioned Exchequer Bills, or for enabling the Commissioners of the Treasury, or the Lord High Treasurer for the time being, to contract from time to time with any Person or Persons, Body or Bodies Politick or Corporate, for the Payment of the Interest of, or exchanging for ready Money on Demand, the Exchequer Bills thereby authorized to be issued forth at a Rate or Premium not exceeding Four Pounds per Centum per Annum, or for preventing any Disabilities in such Contractors, or for making them not liable to be Bankrupts on Account of such Contracts, or for appointing a Paymaster or Paymasters for paying off or cancelling the same Exchequer Bills in due Course and Order, shall be extended, and construed to extend, as well to the Exchequer Bills by this Act authorized to be made forth, as to the Exchequer Bills to be made forth in pursuance of the said Act for granting an Aid to His Majesty by a Land Tax, as amply, fully, and effectually to all Intents and Purposes, as if the same Clauses or Provisoes had been particularly repeated and re-enacted verbatim in this Act. Powers granted by the Land Tax Act extended to this.

XIII. And to the End the same Bills, or so many of them as shall from time to time remain undischarged, may the better obtain a Currency for such Time as they, or any of them, are hereby intended to be current; be it further enacted by the Authority aforesaid, That the Money which shall from time to time arise at the said Receipt of the Exchequer, of or for the Duties by this Act continued, shall from time to time as the same shall arise at the said Receipt (after all the Orders of Loan made forth by and in pursuance of the said before recited Act of the Eighth Year of His Majesty's Reign, together with all the Interest due thereupon, shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose) be issued and applied at the said Receipt, for or towards the paying off or discharging the Orders of Loan for the Monies which shall have been lent at the said Receipt, and for satisfying the Interest thereof, in such Course, Manner, and Form, as are before in this Act prescribed and appointed for that Purpose, until all the Principal and Interest payable upon such Orders of Loan shall be fully satisfied, or sufficient Money shall be reserved in the Exchequer for the full Payment and Satisfaction of the same, or the Monies which shall from time to time arise at the said Receipt of Exchequer of or for the said Duties by this Act continued, shall from time to time as the same shall arise at the said Receipt (after all the Orders of Loan made forth by and in pursuance of the said before recited Act of the Eighth Year of His Majesty's Reign, together with all the Interest due thereupon, shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose as aforesaid) be issued to such Paymaster by way of Imprest, and upon Account, for or towards the paying off and discharging the said Exchequer Bills, which shall have been made forth by virtue of this Act, in such Course as aforesaid, and for or towards the Charge of exchanging and circulating the same Bills, or any of them, and for or towards such other Payments as are in and by this Act directed or allowed to be made or discharged out of the same, and for no other Use, Intent, or Purpose whatsoever. Currency of these Bills.

Treasury to take an Account of the said Monies raised by Loan or Exchequer Bills, at *Mich.* 1742.

XIV. And be it further enacted by the Authority aforesaid, That on the Twenty ninth Day of September, One thousand seven hundred and fifty three, or within Ten Days after, the Commissioners of the Treasury, or any Three or more of them now being, or the High Treasurer, or any Three or more of the Commissioners of the Treasury for the time being, shall cause a true and perfect Account in Writing to be taken and attested by the proper Officers, of all the Monies which shall have been raised by Loans, and by Exchequer Bills, or by any or either of those Ways or Means, for or towards the said Sum, not exceeding One million two hundred thousand Pounds, by this Act intended to be raised, as aforesaid; and how much thereof shall before that Time have been paid off and discharged, and how much thereof shall then remain undischarged upon the said Orders of Loan, or Exchequer Bills respectively, or upon any or either of them; which Account shall be publickly affixed in the Office of the Auditor of the Receipt, in the said Exchequer.

Deficiency to be made good out of the next Aids granted after *Mich.* 1742.

XV. And it is hereby enacted and declared by the Authority aforesaid, That the Monies so remaining unsatisfied, or not discharged, with the Interest due or to grow due for the same, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament, after the said Twenty ninth Day of September, One thousand seven hundred and fifty three, and shall be transferred thereunto as soon as such Aid or Aids shall be granted; and if no such Aid or Aids shall be granted, whereunto such unsatisfied Money shall be transferred, before the Twenty fourth Day of March, One thousand seven hundred and fifty three, then the Monies so remaining unsatisfied and undischarged upon the said Orders of Loan, or Exchequer Bills, or any of them, with the Interest due or to be due for the same, shall be and are hereby charged and chargeable upon such Monies, as at any time or times shall be or remain in the same Receipt, of the Surplusses, Excesses, and Overplus Monies, commonly called The Sinking Fund (except such Monies of the said Sinking Fund as are appropriated to any particular Use or Uses by any former Act or Acts of Parliament in that Behalf) and such Monies of the said Sinking Fund shall and may be issued for supplying Money to the said Paymaster, for discharging the said unsatisfied Orders of Loan or Exchequer Bills in Course, as the said Commissioners of the Treasury, or the High Treasurer for the time being shall direct, until all the Principal and Interest which shall be or remain due upon the said Orders of Loan or Exchequer Bills, or any of them, shall be fully cleared and paid off, or Money sufficient shall be reserved for that Purpose; and if at any time or times before or after any Monies of the said Duties hereby continued shall be brought into the Exchequer as aforesaid, there shall happen to be a Want of Money for paying Interest, which shall be actually incurred and grown due upon the said Orders of Loan, or Exchequer Bills, or any of them, or for Payment of any Premium or Rate which shall be incurred and grown due by any Contract or Contracts to be made by virtue of this Act for circulating and exchanging the same Bills, that then and in every such Case the Money so wanted shall and may be supplied out of the Monies of the said Fund, commonly called The Sinking Fund (except before excepted) and issued accordingly.

or Sinking Fund,

and replaced out of the next Supplies.

XVI. Provided always, and be it enacted by the Authority aforesaid, That whatsoever Money shall be issued out of the said Surplusses, Excesses, or Overplus Monies, commonly called The Sinking Fund, shall from time to time be replaced by and out of the first Supplies to be then after granted in Parliament; any thing herein contained to the contrary notwithstanding.

Surplus to be disposed of by Parliament.

XVII. Provided always, and be it enacted by the Authority aforesaid, That in case there shall be any Surplus or Remainder of the Monies arising by the said Duties hereby continued (after all the Orders of Loan, and Exchequer Bills, by this Act directed to be made forth, and the Interest thereof, shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose) such Surplus or Remainder shall from time to time be reserved for the Disposition of Parliament, and shall not be issued but by Authority of Parliament, and as shall be directed by future Act or Acts of Parliament; any thing in this or any former Act or Acts of Parliament to the contrary notwithstanding.

XVIII. And whereas by Two several Acts of Parliament made in the Fifth and Seventh Years of the Reign of His present Majesty, for continuing the Duties upon Salt, and upon Red and White Herrings; it is provided and enacted, That in case there shall be any Surplus or Remainder of the Monies arising by the said Duties by the said Acts respectively continued (after all the Orders of Loan, or Exchequer Bills, by the said Acts directed to be made forth, together with the Interest, Premium, or Rates due thereupon, shall be fully satisfied and discharged, or Money sufficient shall be reserved for that Purpose) such Surplus or Remainder shall from time to time be reserved for the Disposition of Parliament: And whereas all the Loans or Exchequer Bills made forth in pursuance of the first recited Act of the Fifth Year of His Majesty's Reign, together with all the Interest, Premium, or Rates due thereupon, have been fully paid off and discharged; and it is presumed that the Monies to come in by the said Duties, continued by the said other Act of the Seventh Year of His Majesty's Reign, will be more than sufficient to discharge all the Loans made forth in pursuance of the said Act, together with the Interest to grow due thereupon; **be it enacted by the Authority aforesaid, That all such Surplus or Overplus Monies shall be issued and applied towards paying off and discharging the Principal and Interest due upon the Loans made forth in pursuance of an Act of the Eight Year of His Majesty's Reign, for continuing the said Duties for a further Time therein limited; any thing in the said recited Acts to the contrary notwithstanding.**

Former Surplus to be applied to subsequent Loans.

XIX. And whereas by an Act made in the First Year of the Reign of her late Majesty Queen *Anne*, it is enacted, That no Rock Salt whatsoever shall be refined or made into White Salt in any Place or Places whatsoever within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick* upon *Tweed*, except in such Places as are or shall be within Ten Miles Distance of the respective Pit or Pits, from whence such Rock Salt shall be taken, or at such Places as on or before the Tenth Day of *May*, One thousand seven hundred and two, shall have been used for the refining Rock Salt, under a Penalty therein expressed; and whereas there hath been anciently an House or Place, in which Rock Salt has been refined or made into White Salt before the said Tenth Day of *May*, One thousand seven hundred and two, near the Sea between *Neath* and *Swanzey*, in the County of *Glamorgan*, in *South Wales*; but the same is now, and hath been for many Years, covered with Sand, and become intirely useless, and the Country thereabouts (being at a very great

Distance

Diſtance from any other Salt Works) have been thereby deprived of the Benefit of being ſupplied with Salt as formerly: And whereas certain Salt Works have been erected at great Charges at *Neath* aforeſaid, about Four or Five Miles Diſtance from the Place before mentioned, for the making of White Salt from Sea Water, and upon ſeveral Occaſions Rock Salt would be very uſeful to ſtrengthen the Brine in the ſaid Works, when weakened by freſh Water or other Accidents; but the proper Uſe of the ſaid Salt Works not being for the refining Rock Salt, it hath been doubted whether Rock Salt might be there uſed: **For preventing ſuch Doubts for the future, be it enacted by the Authority aforeſaid, That Rock Salt may be ſo uſed in the making Salt from Sea Water in the ſaid Salt Works at** Neath **aforeſaid; any thing in the ſaid Act or in any other Law or Statute to the contrary notwithſtanding, ſo as His Majeſty's Duties for all the Salt proceeding as well from the ſaid Rock Salt as from the Sea Water be duly charged, anſwered, and paid to His Majeſty's Uſe.**

Rock Salt may be uſed in making Salt at *Neath*, ſo as His Majeſty's Duties be ſecured.

5 G. 1. c. 18. 6 G. 1. c. 11. 8 G. 1. c. 4. & 16. 11 G. 1. c. 30. 3 G. 2. c. 6 8 G. 2. c. 12. See further 26 G. 2. c. 32.

CAP. XXIII.

An Act for repairing the Road from *Wakefield* to *Pontefract*, and from thence to a Place called *Weeland* in the Townſhip of *Henſall*, and from *Pontefract* to *Wentbridge*, in the Townſhip of *Darrington*, in the Weſt Riding of the County of *York*.

WHEREAS the Roads leading from the Town of *Wakefield* to the Town of *Pontefract*, and from thence to a Place called *Weeland*, in the Townſhip of *Henſall*, by and through *Knottingly* and other Villages, and from *Pontefract* aforeſaid to *Wentbridge* in the Townſhip of *Darrington*, where the Road from *Pontefract* meets the *London* Road leading from *York* to *Doncaſter*, all in the Weſt Riding of the County of *York*, being great and publick Highways, are by Reaſon of many heavy Carriages and Loads frequently paſſing through the ſame, become very ruinous and deep, and many Parts thereof dangerous to Paſſengers and Travellers, and ſome Parts thereof in the Winter Seaſon are ſo bad, that Carriages laden cannot paſs through the ſame: And whereas, for the better Improvement and Support of the Woollen Manufacture in the ſaid Riding, and the Encouragement of the Trade there in general, it is requiſite, that there ſhould be the moſt eaſy Conveyance of Goods and Merchandizes at all Times of the Year from *Wakefield* aforeſaid, and other Weſtern Parts of the ſaid Riding, to *Weeland* aforeſaid, which joins to the River *Ayre*, and from which Place the ſaid River hath been, Time immemorial, navigable to the Rivers *Ouſe* and *Humber*, and from thence to *York*, *Hull*, and many other Parts of *Great Britain*: And whereas the Farmers and Inhabitants of the Weſtern Parts of the ſaid Riding, are chiefly ſupplied with Lime from the Townſhip of *Knottingly* aforeſaid, and carry thither great Quantities of Coal, which are ſent from thence on the ſaid navigable Rivers, to *York*, *Hull*, *Malton*, *Burroughbridge*, *Lincoln*, and divers other Places: And whereas, by Reaſon of the Badneſs of the ſaid Roads to and from *Weeland* from and to *Wakefield*, and the ſaid Weſtern Parts, the Improvement of Lands, and the Sale for Coal, are greatly hindered and diſcouraged: And whereas the ſaid Roads cannot, by the Laws now in Being for repairing the Highways of this Kingdom, be effectually repaired and amended, unleſs ſome other Proviſion be made for raiſing Money for that Purpoſe, *&c.* Preamble.

Certain Tolls are granted from 10 May, 1741, *for* 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XXIV.

An Act for the effectual Draining and Preſervation of *Waterbeach Level* in the County of *Cambridge*, and to eſtabliſh an Agreement made between the Lord of the Manor of *Waterbeach cum Denny*, and the Commoners within the ſaid Manor.

WHEREAS certain Fen Lands and Low Grounds, lying and being in the ſeveral Pariſhes of *Waterbeach* and *Wicken*, in the County of *Cambridge*, and in *Stretham* and *Thetford*, in the Iſle of *Ely*, and County aforeſaid, commonly called *Waterbeach Level*, containing in the whole Four thouſand five hundred Acres of Land, or thereabouts; Two thouſand five hundred Acres whereof, or thereabouts, are commonable Lands, and the reſt are Severals; the greateſt Part of which ſaid Lands are within the Manor of *Waterbeach cum Denny*, and the reſt are within the Pariſhes of *Wicken*, *Stretham*, and *Thetford* aforeſaid, and are bounded as follows, *videlicet*, From the Brewhouſe in *Waterbeach* Midload Fen, near the Weſt Bank of the River *Grant*, to that Bank, and along the Weſt Side of that Bank to *Harrymere* Head, at the old River *Owze*, and from thence by the South Side of the South Bank of the ſaid River *Owze*, to *Stretham* Ferry, and from thence by the Eaſt Side of *Stretham* Ferry Bank, to *Chittering* Hill, including the low Lands of *Chittering* Fen, as now ſtaked and meared out; and from *Chittering* Hill to *Denny* Farm Grounds, including all the low Lands thereto adjoining, belonging to *Denny* Farm aforeſaid; and from thence, including all the reſt of the low Lands of *Chittering* Fen aforeſaid, as are alſo now ſtaked and meared out, to *Waterbeach Joyſt* Fen; and from thence, including the ſaid *Joyſt* Fen, and all the low Lands belonging to *Denny* Farm aforeſaid, adjoining to the ſaid *Joyſt* Fen, and alſo the low Lands lying between *Chittering* Hill and *Joyſt* Fen aforeſaid, to *Waterbeach* Bannel, or *Denny* Sheep Walk, including all the low Lands belonging to the ſaid Bannel or Sheep Walk, as the ſame are now alſo ſtaked and meared out; and from thence by the Weſt Side of *Midload* Fen, including all the Lands called *Drainer*'s *Grounds*, and all the ſaid *Midload* Fen, to the Brewhouſe aforeſaid (excluding all the ſaid Banks and the Ware-dykes thereof) are ſo ſubject to Inundations through the Defects of their Out-falls to Sea, that the ſame are but of very little Benefit or Advantage to the Owners and Occupiers of thoſe Grounds, or to the Commoners having Right of Common on the Commonable Parts thereof, and cannot be preſerved without the Aid of Parliament, to enable the ſaid Owners and Commoners to drain and keep the ſame drained for the future; and as the ſaid Fen Lands and low Grounds are in their own Nature very rich and fertile, great Benefit and Advantage will accrue thereby, not only to the ſaid Owners and Commoners, but to the Publick in general: And whereas the Lord of the Manor of *Waterbeach cum Denny* aforeſaid, and the Commoners having Right of Common, as well within the ſaid Level, as in other Parts of the ſaid Manor, have entered into Articles of Agreement in Writing, for the ſettling and adjuſting their ſeveral and reſpective Rights of Common within the ſaid Manor, and the Number and Stint of Cattle to be kept thereon, and for the better Regulation and Government of the ſaid Common for the future; and which ſaid Agreement is as follows; (that is to ſay) Preamble.

Articles

Articles of Agreement had, made, concluded, and agreed upon the Tenth Day of *November*, in the Fourteenth Year of the Reign of our Sovereign Lord *George* the Second, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, and ſo forth, and in the Year of our Lord One thouſand ſeven hundred and forty, between *Peter Standley* of *Long Melford* in the County of *Suffolk*, Eſquire, Lord of the Manor of *Waterbeach cum Denny* in the County of *Cambridge*, of the one Part, and the Owners of the ſeveral and reſpective ancient commonable Meſſuages in *Waterbeach* aforeſaid, whoſe Names are hereunto ſubſcribed, of the other Part.

I. WHEREAS the ſeveral and reſpective Perſons whoſe Names are hereunto ſubſcribed, are Owners and Proprietors of the ſeveral and antient Commonable Meſſuages in *Waterbeach* aforeſaid, and have ſeverally a Right of Common in the ſeveral Commonable, Waſte, and Fen Grounds in *Waterbeach*, without Number or Stint; and for the better regulating and ſtinting the ſame, have come to the following Agreement:

II. It is hereby covenanted, concluded, and agreed between the ſaid Parties, that the ſaid *Peter Standley* ſhall and will give up, and quit Claim, all Manner of Right of taking in any Number or Sort of Joyſt Cattle into any of the Commonable Waſtes and Fen Grounds in *Waterbeach* aforeſaid; the Owners of the ſaid ſeveral Commonable Meſſuages in *Waterbeach* paying yearly, and every Year, between the Firſt and Tenth Days of *July*, yearly, to the ſaid *Peter Standley*, his Heirs and Aſſigns, at or in the capital Manſion-houſe, called *Denny Abbey*, in *Waterbeach* aforeſaid, the Sum of Two Shillings *per* Houſe or Common; and that in caſe of Failure in Payment, it ſhall and may be lawful to and for the ſaid *Peter Standley*, his Heirs or Aſſigns, Steward or Agent, to drive and take any of the Cattle feeding and depaſtured in any of the ſaid Commons, of ſuch Perſon or Perſons as ſhall neglect or refuſe to pay the ſame (being demanded) and the ſame to detain, keep, and impound by way of Diſtreſs for Five Days; and that if the ſaid Arrear be not in that Time duly paid, then to ſell and diſpoſe thereof; and after Payment and Satisfaction of ſuch Arrears, together with the Charge of maintaining the ſaid Cattle, to return the Overplus to the Owner thereof; and if there be no Cattle upon the Common belonging to ſuch particular Tenant, ſo neglecting or refuſing Payment, that then the reſt of the Commoners in *Waterbeach* aforeſaid, having Cattle there, ſhall make good and pay ſuch Deficiency on or before the Twentieth Day of *July* yearly; and in Default thereof, it ſhall be lawful for the ſaid *Peter Standley* to take and diſtrain the Cattle of any other of the ſaid Commoners, having Cattle, and the ſame in like Manner to detain and impound, and in Default of Payment within Five Days after ſuch Diſtreſs, the ſame to ſell and diſpoſe towards Satisfaction of ſuch Arrear, together with the Charge of maintaining the ſame, returning the Overplus to the Owner, and ſo from time to time, as often as it ſhall ſo happen.

III. That the Fen called *Joyſt Fen* ſhall be freed and cleared of all Manner of Cattle, from *Candlemas-day* to the Twenty fifth Day of *March*, yearly, Horſes excepted; and that the Fen called *Midlott*, or *Midload*, ſhall be freed and cleared of all Manner of Cattle from *Candlemas-day* to the Firſt Day of *May*, yearly.

IV. That for each and every Common, the Owner or Occupier ſhall and may feed Fifteen milched Cows or dry Neat Cattle, and Eight Sheep, or Ten Cows and Five Mares or Geldings, and no more, and to abate a Cow for every Colt, after it is One Year old; and that Three Weanling Calves of the Firſt Year ſhall be deemed as One Cow; and that Two yearling Neat Cattle, to be likewiſe deemed as One Cow; and that for every Four Commons there ſhall be kept by the Owners or Occupiers thereof, One Bull, yearly, from the Firſt of *May* to the Tenth Day of *October*; and that for every Beaſt fed and depaſtured on the ſaid Commons contrary to the true Intent and Meaning of theſe Articles, there ſhall be forfeited and paid to the Lord of the ſaid Manor for the time being, the Sum of Ten Shillings for every time ſuch Offence ſhall be committed, to be levied and recovered by Diſtreſs and Sale, as aforeſaid.

V. And that for the better enforcing the due Obſervance of the ſaid Regulation and Stint, there ſhall be yearly choſen on the *Thurſday* next before *Chriſtmas-day*, in the ſaid Pariſh Church, Four Fenreeves, Commoners and Dwellers in the ſaid Pariſh of *Waterbeach*, by the major Part of the Owners and Occupiers of the ſaid Commons, then and there for that Purpoſe aſſembled, to continue in the ſaid Office for One Year then next enſuing, and no longer, who ſhall ſeverally, within One Week after ſuch Election, take upon themſelves the ſaid Office for One Year from the Day of ſuch Election, on Pain of ſeverally forfeiting Five Pounds apiece to the Lord of the ſaid Manor for the time being, and to be levied and recovered by Diſtreſs and Sale, as aforeſaid; and that in ſuch Election, every Occupier of a Common ſhall have a Vote for every Common he holds.

VI. That the ſaid Fenreeves ſo to be elected and choſen yearly, ſhall and may, by and with the Conſent of the major Part of the Owners or Occupiers of the ſaid Commons in *Waterbeach* aforeſaid, upon any Inundation of Water and Floods, by Order or Orders in Writing, take off and diminiſh ſuch and ſo many Cattle of the Number above mentioned, as the Neceſſity of the Caſe in their Judgements may require, ſo as ſuch Order or Orders are made to extend equally to all Parties concerned; and provided ſuch Order or Orders be publiſhed in the Pariſh Church of *Waterbeach* aforeſaid, the *Sunday* Morning next following the making thereof, immediately after Divine Service; and that the better to enforce a due Obſervation of ſuch Order or Orders ſo to be made as aforeſaid, there ſhall be forfeited and paid to the Lord of the ſaid Manor for the time being, Ten Shillings for every Beaſt, and for every time that they be taken offending contrary to ſuch Order or Orders, ſo to be made as aforeſaid; and that it ſhall and may be lawful for the ſaid Fenreeves, or any or either of them, to take and impound the Cattle of ſuch Offender or Offenders, who ſhall preſume to put on and feed contrary to ſuch Order or Orders, and the ſame to detain and keep for Five Days; and then if ſuch Penalties and Forfeitures be not paid, to ſell and diſpoſe of ſuch Cattle towards Satisfaction of the ſaid Penalty, rendering the Overplus, firſt deducting the Charge of keeping the ſame.

VII. That if upon any Floods or Inundation of Water, the Fenreeves for the time being ſhall think it neceſſary for the better ſecuring the Banks, or ſcouring the Ditches and Drains belonging to the ſaid Commonable Fens and Waſte Grounds, that the ſame be done by a common Day-work; and then upon publick Notice to be by them given for that Purpoſe, by ſending a Bell about the Town, every Owner or Occupier of a Common there, ſhall come in at the Time appointed and do the ſame, or ſend a ſufficient able-bodied Man for every Houſe

Houſe or Common, with proper working Tools, and in Default and Neglect thereof to forfeit and pay to the ſaid Fenreeves Eighteen Pence *per* Day, for every Day, for every Houſe or Common not performed as aforeſaid, to be employed and beſtowed in amending and repairing the Banks, or ſcouring the Drains as aforeſaid; and that for defraying ſuch-like and other neceſſary and incident Charges of Gates, Bars, Bridges, and other Things, it ſhall and may be lawful for the ſaid Fenreeves, or any One of them for the time being, by and with the Conſent of the major Part of the Commoners, Inhabitants of *Waterbeach* aforeſaid, who ſhall, upon Notice to be given to meet in the Pariſh Church of *Waterbeach* aforeſaid, for that Purpoſe be aſſembled, to make a Rate or Rates upon the Occupiers of the ſeveral Commonable Meſſuages or Tenements at *Waterbeach* aforeſaid, which Rate or Rates ſhall from that Time be allowed and confirmed by One or more Juſtice or Juſtices of the Peace for the ſaid County, and to be then levied on ſuch as ſhall neglect or refuſe the Payment thereof, by Diſtreſs and Sale as aforeſaid, and ſo from time to time as Occaſion ſhall require. Provided, That if any think himſelf or themſelves aggrieved by ſuch Rate or Rates, Appeal may be made at the next General Quarter Seſſions of the Peace to be held for the ſaid County, where the ſame ſhall be heard, and finally determined; and that the ſaid Fenreeves, or ſuch of them as ſhall receive any Money, either by Rate or otherwiſe, belonging to the ſaid Office, ſhall within one Week, after the Year for which he ſhall be ſo choſen and ſerve, make a true, full, and perfect Account of all his Receipts and Diſburſements in the ſaid Office, and pay the Balance thereof (if any ſhall remain) to the next ſucceeding Fenreeves, ſome or one of them, upon Pain of forfeiting to the Lord of the ſaid Manor for the time being, Five Pounds for every Month ſuch Account ſhall remain unſettled, or the Balance thereof (if any) unpaid, to be levied and recovered by Diſtreſs and Sale as aforeſaid; in which Account it ſhall be lawful for the ſaid Fenreeves to retain in their reſpective Hands the Sum of Twenty Shillings for their Care and Pains in the Premiſſes.

VIII. That the Owner or Occupier of the Rectory of *Waterbeach* for the time being may keep Fourſcore Sheep in the Town Flock, which Fourſcore, as well as thoſe herein before limited and appointed to be kept by the Commoners, are only to go, depaſture, and feed in ſuch Places, and at ſuch Times only, as the Sheep have heretofore uſually done in *Waterbeach* aforeſaid; and that the Flock kept, or to be kept, by the ſaid *Peter Standley*, or his Tenant or Tenants of the Farm now in the Poſſeſſion of *John Hemington*, ſhall not exceed Four hundred in Number, and ſhall not go or depaſture in *Hill-field* farther than *Millway* in *Waterbeach* aforeſaid; and that the *Denny Abbey* Flock ſhall not exceed Eight hundred in Number, and ſhall not go in *Home Bannold* or *Wingfold*, or any of the Town Fields; and that there may be kept in the Town Flock Two Sheep for every Five Acres of Arable Land in *Waterbeach* aforeſaid, by the Owner or Occupier thereof; and that Lambs be deemed Sheep upon the Eleventh Day of *November* yearly.

IX. That for the better diſtinguiſhing every one's Cattle, the Owner or Owners thereof ſhall yearly, before they be put upon the Common, brand them with a pitched Brand with the firſt Letter of Chriſtian and Surname, and deliver a Copy of ſuch Brand to the Fenreeves, or One of them, on or before the Firſt Day of *March* yearly, on Pain of forfeiting to the Lord of the ſaid Manor for the time being, for every Beaſt not branded as aforeſaid, and for every time they ſhall be found there not branded as aforeſaid, Twelve Pence *per* Head, and for Neglect or refuſing to deliver a Copy of the Brand as aforeſaid, Five Shillings *per* Week, ſo long as the ſame ſhall remain undelivered, to be levied and recovered by Diſtreſs and Sale aforeſaid.

X. That for clearing and taking away all future Doubts, it is hereby declared and agreed, That the chief capital Manſion-houſe of the ſaid *Peter Standley*, in *Waterbeach* aforeſaid, called *Denny Abbey*, is and ſhall from henceforth always be deemed to be a Commonable Houſe in *Waterbeach* aforeſaid.

XI. That an Act of Parliament, if it can or may, be obtained for the better eſtabliſhing and better enforcing the due Execution of theſe Preſents in ſuch Manner as Counſel ſhall adviſe, ſo as not to enlarge the Number or Stint of Cattle herein before limited: In Witneſs whereof the Parties firſt above named to theſe preſent Articles, have hereunto ſet their Hands and Seals the Day and Year firſt above written.

Peter Standley,
Henry Goodall,
William Hall,
William Banks,
John Cory,
Sarah X *Clark*'s Mark,
Thomas Haſlop,
Thomas Iſaacſon,
Anthony Gregory,
John Brigham,
William Baron,
William Ducking,
Mary X *Smith*'s Mark,
Luke L *Norman*'s Mark,
Robert R *Colſon*'s Mark,
William Camps,
James + *Philip*'s Mark,
Thomas Nutting,
William Hurrell,
Joſeph Porter,
Iſaac Coxall,
Joſeph Harper,
William Butler,
Iſaac Beeſley,
John Graves,
James Taylor,
Henry Doggitt,
James Young,
Mary X *King* her Mark,
Daniel Childerly,
Henry Chambers.

May it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Lord or Lords, Lady or Ladies, of the Manor of Waterbeach cum Denny for the time being, or his, her, or their reſpective Steward or Agent of or for the ſaid Manor for the time being, the Vicar of Waterbeach for the time being, Soame Jenyns Eſquire, the Reverend Maſter John Brigham, John Wiles, and John Morgan, of Waterbeach aforeſaid, the Lord or Lords, Lady or Ladies, of the Manor of Stretham for the time being, or his, her, or their reſpective Steward or Agent of or for the ſaid Manor for the time being, the Rector of Stretham for the time being, the Reverend Maſter Andrew Miers the Owner of Cauſeway-end Farm in Waterbeach for the time being, William Papworth of Witcham, William Walker and William Read of Stretham aforeſaid, Gentlemen; the Lord or Lords, Lady or Ladies, of the Manor of Thetford for the time being, or his, her, or their reſpective Steward or Agent of or for the ſaid Manor for the time being, and Jeremiah Hinkin of Thetford aforeſaid, Yeoman, the Impropriator of the Tithes of Wicken for the time being, or his or her Steward or Agent thereof for the time being, ſhall be and are hereby appointed Commiſſioners to put in Execution this preſent Act, and all other the Powers and Authorities herein after mentioned, touching and concerning the Draining and future Preſervation of the ſaid Level, and for ſettling and adjuſting each reſpective Commoner's Proportion of Common within the ſaid Level. Commiſſioners Names.

II. And be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, are hereby authorized, and ſhall have Power, from time to time hereafter, at their Wills and Pleaſures, to make ſuch Cuts, Drains, Dams, and Outlets, through the ſaid Level, or any Part thereof, ſo bounded and deſcribed as aforeſaid, and to make and erect ſuch Works and Engines thereupon for draining and conveying Power of the Commiſſioners.

ing the Waters from the ſame, as ſhall be thought fit, neceſſary, and convenient by the ſaid Commiſſioners, or any Five or more of them, at the Meeting or Meetings of the ſaid Commiſſioners herein after appointed for the Purpoſes aforeſaid; ſo always, that if the ſaid Commiſſioners make, or cauſe to be made, any Cut, Drain, Dam, and Outlet, through any ſeveral Grounds, or erect any new Works or Engine thereon, they ſhall pay a reaſonable Satisfaction for the ſame to the Perſon or Perſons who hath or have a Right to the Soil through which ſuch Cut, Drain, Dam, or Outlet ſhall be made, or whereupon ſuch Work or Works, Engine or Engines ſhall be erected, for ſuch Damages as every ſuch ſaid Perſon ſhall ſuſtain, and as ſhall be agreed upon by the ſaid Commiſſioners, or any Five or more of them, and the ſaid Party or Parties, Owner or Owners of ſuch Fens or Low Grounds; and if the ſaid Commiſſioners, or any Five or more of them, and the Party or Parties, Owner or Owners of ſuch Fens and Low Grounds, cannot agree about the Value of ſuch Damage, that then the ſame ſhall be aſſeſſed and adjuſted by the Juſtices of the Peace for the County of Cambridge, or the major Part of them, at the General Quarter Seſſions of the Peace for the ſaid County, next after ſuch Damages ſo done to the Owner or Owners of ſuch Fens or Low Grounds as aforeſaid.

Times and Places of the Commiſſioners meeting.

III. And for the better putting this Act in Execution, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners herein named, or any Five or more of them, ſhall twice in every Year, to wit, on the Firſt Thurſday in the Month of May, and on the Firſt Thurſday in the Month of October, or oftner, as they ſhall ſee Cauſe, or think convenient, meet at Stretham Ferry, and at ſuch Meetings ſhall be, and are hereby impowered to make Orders, and give ſuch Directions for the better Government and more orderly Management of the Works of draining the ſaid Level, and for making proper Cuts and Drains through the ſame, and for making and erecting proper Works and Engines thereon, and for the Maintenance thereof; and to appoint One or more Collector or Collectors, Receiver or Receivers, or ſuch other proper Officer or Officers, as they ſhall think fit, for the taking care of ſuch Works, and for collecting the Rates and Aſſeſſments which ſhall be made or aſſeſſed for the Maintenance thereof; which ſaid Collector or Collectors, Receiver or Receivers, or other Officer or Officers ſo to be named and appointed as aforeſaid, ſhall be altered and removed at the Pleaſure of the ſaid Commiſſioners, or the major Part of them, ſo aſſembled at ſuch Meeting or Meetings, ſo to be had as aforeſaid, and another or others choſen and appointed in his or their Room and Stead, as often as Occaſion ſhall require; and ſuch Collector or Collectors, Receiver or Receivers, ſo to be named and appointed as aforeſaid, before they ſhall act in the Execution of their ſeveral Offices, ſhall give ſuch Security to the ſaid Commiſſioners for the due Execution of ſuch their reſpective Offices, and for the executing and performing the ſeveral Truſts to them committed, as the ſaid Commiſſioners, or the major Part of them ſhall in their Diſcretion ſee fit.

Commiſſioners may tax the Occupiers of Fen Lands;

IV. And be it further enacted by the Authority aforeſaid, That at all and every, or any ſuch Meeting or Meetings ſo to be held by the ſaid Commiſſioners herein named as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to aſſeſs, rate, tax, and charge all and every the reſpective Owner or Owners, Occupier or Occupiers, of all and ſingular the ſaid Fen Lands or Low Grounds ſo bounded and deſcribed as aforeſaid, and all and every Commoner or Commoners having Right of Common on the Commonable Parts thereof, by an equal and proportionable Acre-tax of Two Shillings per Acre for the Year One thouſand ſeven hundred and forty one, and the like Sum of Two Shillings per Acre for the Year One thouſand ſeven hundred and forty two, and for every Year after with any other yearly Sum or Sums of Money, not exceeding One Shilling per Acre, for carrying on and effecting the ſaid Work of Draining, and for maintaining the ſame, over and above ſuch Acre-rates and Taxes, whereunto the ſaid Fen Lands and Low Grounds, or any Part thereof, now are or may be chargeable, and to limit and appoint ſuch certain Days and Places for the reſpective Payments thereof to the Collector or Collectors, Receiver or Receivers, for the time being, as they the ſaid Commiſſioners, or any Five or more of them, under their Hands ſhall direct and appoint.

V. And foraſmuch as the ſaid Money and Acre-ſhots ſo to be rated, levied, collected, and gathered by ſuch Receiver or Receivers, will not at preſent be ſufficient for making ſuch Cuts, Drains, Dams, and Outlets, and for erecting ſuch Works and Engines as will be neceſſary for draining, and for the preſent Improvement of the ſaid Level;

and may borrow Money on the Tax,

be it further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and are hereby impowered, from time to time, by Writing under their Hands and Seals, to aſſign over the ſaid yearly Rates and Taxes hereby chargeable, or to be charged, upon the ſaid Fen Lands and Low Grounds, and every or any Part thereof (the Coſts and Charges whereof to be borne and paid out of the ſaid Acre-tax) for any Time or Term, as to the ſaid Commiſſioners, or any Five or more of them ſhall ſeem meet, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpoſe, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance and lend the ſame, to ſecure the Repayment thereof, with Intereſt not

and pay 5 *l. per Cent.* Intereſt.

exceeding Five Pounds per Centum per Annum;

The Money how to be applied.

which ſaid Money ſo borrowed ſhall be applied in the firſt Place to pay and diſcharge the Charges and Expences of obtaining this Act of Parliament, and then ſhall be applied and diſpoſed of in making ſuch Cuts, Drains, Dams, and Outlets, and erecting ſuch Works and Engines for the effecting the draining and improving the ſaid Level, and to be applied and diſpoſed of to no other Uſe or Purpoſe whatſoever.

How to proceed on Default of Payment.

VI. And be it further enacted by the Authority aforeſaid, That upon Default made by any Perſon or Perſons ſo aſſeſſed, taxed, rated, and charged as aforeſaid, in his, her, or their reſpective Payments to be made, rated, awarded, limited, and appointed as aforeſaid, by the Space of Three Days after the Time limited for the Payment thereof, and upon Demand made by the Collector or Collectors, Receiver or Receivers, ſo to be appointed as aforeſaid, it ſhall and may be lawful to and for ſuch Collector or Collectors, Receiver or Receivers, or for any other Perſon or Perſons by virtue of any Warrant or Precept under the Hands and Seals of Five or more of the ſaid Commiſſioners (which ſaid Warrant or Precept the ſaid Commiſſioners, or any Five or more of them, are hereby impowered

and required from time to time to make, as Occaſion ſhall require) to levy the Sum or Sums ſo aſſeſſed and rated, by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay, wherever ſuch Goods or Chattels ſhall be found, or to diſtrain upon the Grounds and Premiſſes ſo charged with any ſuch Sum or Sums of Money, and the Goods and Chattels ſo diſtrained to keep by the Space of Five Days, at the Coſts and Charges of the Owner or Owners thereof: And if the ſaid Owner or Owners do not pay the Sum or Sums of Money ſo awarded, aſſeſſed, or rated, within the ſaid Space of Five Days, that then the ſaid Goods and Chattels ſo diſtrained ſhall be appraiſed by Two or more of the Inhabitants of the Pariſh where the ſame ſhall be taken, or other ſufficient Perſons, and be ſold by the ſaid Collector or Collectors, Receiver or Receivers, for Payment of the ſaid Money; and the Overplus coming by ſuch Sale (if any be) over and above the Sum or Sums ſo awarded, rated, or aſſeſſed, and Charges of taking and keeping the ſaid Diſtreſs, ſhall be immediately returned to the Owner or Owners thereof; and the ſeveral and reſpective Tenant and Tenants of all and ſingular the ſaid Fen Lands and Low Grounds, which ſhall be aſſeſſed or rated by virtue of this Act, are hereby authorized and required to pay ſuch Sum and Sums of Money as ſhall be ſo awarded, aſſeſſed, and rated upon ſuch the ſaid Fen Lands or Low Grounds, and to deduct out of the Rent ſo much of the ſaid Aſſeſſment or Rate as the ſaid Fen or Low Grounds, or the Tenant or Tenants in reſpect thereof, ſhall be aſſeſſed or rated at; and the Landlords, both mediate and immediate, according to their reſpective Intereſts, are hereby required to allow ſuch Deductions and Payments upon Receipt of the Reſidue of their Rents; and that every Tenant paying ſuch Aſſeſſment or Rate, ſhall be acquitted and diſcharged for ſo much Money as the ſaid Aſſeſſment or Rate ſhall amount unto, as if the ſame had been actually paid to ſuch Perſon or Perſons, unto whom his or her Rent ſhould have been due and payable.

Tenants to pay the Tax, and deduct it out of their Rent.

VII. And be it further enacted, That if any Perſon or Perſons whatſoever ſhall, at any time or times hereafter, cut, throw down, and deſtroy any of the Works or Engines ſo to be made as aforeſaid, or by any Ways hinder, obſtruct, or lay open any of the Cuts, Drains, or other Works made, or hereafter to be made, for the draining or improving of the ſaid Fen Lands or Low Grounds as aforeſaid, and ſhall be thereof convicted upon Oath before Two Juſtices of the Peace for the ſaid County of Cambridge, every ſuch Perſon or Perſons ſo convicted as aforeſaid, ſhall forfeit for every ſuch Offence the Sum of One hundred Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hands and Seals of any Two of the ſaid Juſtices before whom ſuch Conviction ſhall be made, to be applied and laid out for carrying on the Works and Improvements in and upon the ſaid Fen Lands and Low Grounds where ſuch Offence is or ſhall be committed; and for want of ſufficient Diſtreſs, ſuch Offender or Offenders ſhall be committed to the Houſe of Correction, or common Gaol for the ſaid County of Cambridge, by virtue of any Warrant under the Hands and Seals of any Two of the ſaid Juſtices, there to remain for any Time not exceeding Twelve Months, without Bail or Mainprize, at the Diſcretion of the ſaid Juſtices by whom ſuch Commitment ſhall be made: And if any Perſon or Perſons whatſoever ſhall wilfully or maliciouſly ſet Fire to, or burn any of the ſaid Engines ſo to be erected as aforeſaid, and be thereof lawfully convicted, ſuch Perſon or Perſons ſhall ſuffer Impriſonment for the Space of Three Years; and if ſuch Perſon or Perſons ſhall offend again in like Manner, and be thereof lawfully convicted, ſuch Perſon or Perſons ſhall be guilty of Felony without Benefit of Clergy.

Penalty on damaging the Works.

VIII. And to the End that the ſaid Fen Lands and Low Grounds may be drained and kept dry, and the Works neceſſary for that Purpoſe may be carried on, and be made good and preſerved, with as much Thrift and good Husbandry as may conſiſt with the effectual and ſubſtantial Performance thereof; and that there may be no Miſapplication of the Money by this Act to be raiſed, collected, and received, or of any Part thereof; be it further enacted by the Authority aforeſaid, That the Money which ſhall at any Time by virtue of this Act, be raiſed on the ſaid Fen Lands or Low Grounds, ſhall be applied to the Uſes and Purpoſes of draining and preſerving thoſe the ſaid Fen Lands and Low Grounds only, and no other. And to the End it may appear clearly what is raiſed from time to time on the ſaid Fen Lands or Low Grounds, and how the ſame have been applied, the ſaid Commiſſioners appointed to put this Act in Execution, or any Five of them, ſhall cauſe Two diſtinct and ſeparate Books of Aſſeſſment to be made and kept, One for each of the ſaid Townſhips of Waterbeach and Stretham, and alſo Two diſtinct and ſeparate Books of Account of Receipts and Diſburſements, One for each of the ſame Townſhips; and no Collectors or Receivers Accounts ſhall be paſſed or allowed, unleſs the ſame ſhall be kept and made up in ſuch diſtinct and ſeparate Books as aforeſaid.

Application of the Money raiſed by this Act.

IX. And to the End alſo, that the ſaid Accounts may be fairly examined, and the Owners and Proprietors be ſatisfied, that the Money collected hath been fairly and duly applied; be it further enacted by the Authority aforeſaid, That once in every Year, on one of the Days herein before appointed for the Meeting of the ſaid Commiſſioners, Inſpection ſhall be had by the ſaid Commiſſioners, or any Five of them, of the Receipts and Diſburſements of ſuch Monies as ſhall be collected by virtue of this Act, to the Twenty fifth Day of March then next before; and all Accounts relating to the ſame ſhall be then, or within Ten Days after, made up and ſettled by the ſaid Commiſſioners, or any Five of them, then aſſembled at ſuch their ſaid Meeting, as aforeſaid; at which ſaid Time the Collector or Collectors, Receiver or Receivers, of the ſaid Rates and Sums of Money to be raiſed as aforeſaid, are hereby required to attend with all their ſeparate and diſtinct Books of Accounts as aforeſaid, of Receipts and Diſburſements, and all Vouchers for the ſame; and upon Conſideration and Examination upon Oath, to be adminiſtered by any One of the ſaid Commiſſioners, (and which Oath any One of the ſaid Commiſſioners is hereby impowered to adminiſter) the ſaid Commiſſioners, or any Five of them, are hereby impowered to allow and paſs the ſaid Accounts as they ſhall think fit, or ſuch Part or Parts of the ſame as they ſhall ſee juſt and reaſonable; and ſuch Account

Inſpection of Accounts to be had annually by the Commiſſioners.

or Accounts, or such Part or Parts of them as shall be so allowed by the said Commissioners, or any Five of them, under their Hands, shall be fairly entered in Three several Sets of Books, to be kept for that Purpose; One Set whereof shall be kept with the said Commissioners, One other Set shall remain in the Parish Church of Waterbeach aforesaid, and One other Set shall remain in the Parish Church of Stretham aforesaid; and the said Books shall and may be inspected and perused at any Time, at seasonable Hours, by any Person or Persons (being an Owner or Owners of any of the said Fen Lands and Low Grounds, Commoner or Commoners having a Right of Common within the said Level) requiring the same without Fee or any other Reward.

Three Sets of Books to be kept.

X. Provided always, and be it further enacted by the Authority aforesaid, That no Person or Persons is or shall be hereby enabled to act, sit, and meet as a Commissioner, or to assess, rate, tax, or charge the said Sums of Money hereby directed to be raised, or to elect any new Commissioner or Commissioners in the Room of others, or to put any the Powers or Authorities in this Act in Execution, unless he or they shall be the real Owner or Owners of at least One hundred Acres of several Lands in the Parish of Waterbeach aforesaid, or shall have Two commonable Messuages within the same Parish, or Sixty Acres of several Lands within the Parish of Stretham aforesaid, or One commonable Messuage within the same Parish, or shall have Right of Common within the said Level belonging to the said Parish of Thetford, except the Lord or Lords, Lady or Ladies, of the said several and respective Manors of Waterbeach, Stretham, and Thetford aforesaid, for the time being, or his, her, or their respective Steward or Agent for the time being, of or for the said several and respective Manors, the Vicar of Waterbeach for the time being, the Rector of Stretham for the time being, the Owner of Causeway-end Farm in Waterbeach for the time being, and the Impropriator of the Tithes of Wicken for the time being, or his or her Steward or Agent thereof for the time being.

Qualification of Commissioners.

XI. And for supplying and continuing a sufficient Number of Commissioners for putting this Act in Execution; be it further enacted by the Authority aforesaid, That upon the Death, Resignation, or Refusal of any of the Commissioners herein before named to act (other than and except the Lord or Lords, Lady or Ladies of the said several and respective Manors for the time being, or his, her, or their respective Steward or Agent for the time being, of or for the said several and respective Manors, the Vicar of Waterbeach for the time being, the Rector of Stretham for the time being, the Owner of Causeway-end Farm in Waterbeach for the time being, and the Impropriator of the Tithes of Wicken for the time being, or his or her Steward or Agent thereof for the time being) it shall and may be lawful to and for the surviving Commissioners, or the major Part of them assembled at such Meetings so to be held as aforesaid, to choose and supply from time to time One or more Commissioner or Commissioners so qualified as aforesaid, in the Place or Places of any of the said Commissioners who shall depart this Life, or resign, or refuse to act, as aforesaid; and every such new Commissioner or Commissioners, so to be from time to time chosen and supplied as aforesaid, shall from thenceforth have the like Power and Authority to act and do in all things relating to the Premisses, as the Commissioners herein before named are authorized and impowered to do by virtue of this Act; and shall never exceed the Number of Seventeen, including the Lord or Lords, Lady or Ladies of the said several and respective Manors for the time being, or his, her, or their respective Steward or Agent for the time being, of or for the said several and respective Manors, the Vicar of Waterbeach for the time being, the Rector of Stretham for the time being, the Owner of Causeway-end Farm in Waterbeach for the time being, and the Impropriator of the Tithes of Wicken for the time being, or his or her Steward or Agent thereof for the time being; that is to say, Two of which said Commissioners to be chosen as aforesaid shall be Owners and Proprietors of several Lands within the said Level belonging to Waterbeach aforesaid, and qualified as herein before directed; and Two others shall be Commoners, having Right of Common within the said Level, belonging to Waterbeach aforesaid, and qualified as herein before directed; Two more whereof shall be Owners and Proprietors of several Lands within the said Level belonging to Stretham aforesaid, and qualified as herein before directed; and Two others shall be Commoners, having Right of Common within the said Level, belonging to Stretham aforesaid; and One other shall be a Commoner, having Right of Common within the said Level, belonging to Thetford aforesaid; which Order and Method shall be observed as to the Choice of the said Commissioners, to be chosen and supplied from time to time hereafter, toties quoties, as Occasion shall require, for ever; and every such Choice and Election of any new Commissioner shall be from time to time recorded by the Clerk of the Peace for the County of Cambridge, paying One Shilling for recording the same; and in case the said Clerk of the Peace shall refuse or neglect to record the same, after Tender or Receipt of the said One Shilling, the said Clerk of the Peace shall forfeit the Sum of Five Pounds to the Person or Persons aggrieved thereby, who shall and may recover the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, together with full Costs of Suit, in which no Essoign, Protection, or Wager of Law shall be allowed, or any more than One Imparlance.

Commissioners to choose others.

XII. Provided nevertheless, and it is hereby further enacted, That this Act or any thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners appointed for putting this Act in Execution, to have, use, or exercise any Power or Authority over, or to intermeddle with any of the Banks, Sewers, Drains, or Works already made, or hereafter to be made, by the Governor, Bailiffs, Conservators, and Commonalty of the Great Level of the Fens called Bedford Level, by virtue of an Act made in the Fifteenth Year of the Reign of King Charles the Second, intituled, An Act for settling the Draining of the Great Level of the Fens called *Bedford Level*, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, Conservators, and Commonalty, or the said Governor, Bailiffs, and Conservators; but that all Rights, Powers,

Commissioners for *Waterbeach Level*, not to [illegible] with those of *Bedford Level*.

ers,

ers, and Authorities whatsoever, which by virtue of the said Act passed in the Fifteenth Year of the Reign of King Charles the Second, or any other Act or Statute whatsoever, now are vested in the said Governor, Bailiffs, Conservators, and Commonalty, or in the said Governor, Bailiffs, and Conservators, or any of them, shall for ever hereafter remain, continue, and be in the said Governor, Bailiffs, Conservators, and Commonalty, and in the said Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes, as if this Act had never been made.

No Works to be made on the River *Grant* or *Owze*.

XIII. Provided also, and it is hereby further enacted and declared, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to impower the said Commissioners appointed for putting this Act in Execution, to erect or set up any Sluice or Dam cross the Rivers of Grant or Owze, or either of them, or to do or perform any Work or Works, which may prejudice the Navigation of the said Rivers of Grant or Owze, or either of them, by obstructing or hindering any Waters from falling down the said Rivers, or either of them, through Lynn Chanel to the Sea, or by taking Waters out of those Rivers, or either of them, by any Sluice, Dam, or Work erected or to be erected or set up, or by any other Means whatsoever, except by taking Water at such Times as may be necessary for watering of Cattle.

Clause to strengthen the former Agreement.

XIV. And to the End that the said Agreement herein before set forth may be binding upon the said Lord of the Manor of Waterbeach cum Denny aforesaid, his Heirs and Successors, and the Commoners within the said Manor, who have executed the same, and who are the greater Part in Number and Value, their Heirs and Assigns, as also upon the rest of the Commoners within the said Manor who have not executed the said Agreement, or who by reason of their Incapacity or other Disabilities in Law could not join therein, and their several and respective Heirs and Assigns; be it further enacted by the Authority aforesaid, That the said Agreement, and every Clause, Article, Matter, and Thing therein contained, shall, from the Day of the Date thereof, stand and be held firm, valid, and effectual in the Law, and be for ever binding upon the said Lord of the said Manor, his Heirs, and Successors, and upon all and every the Commoners within the same, who have or have not executed the said Agreement, or who by reason of their Incapacity or Disabilities in Law could not join therein, and their several and respective Heirs and Assigns, and that according to the Tenor and true Intent and Meaning thereof, and of the said several Parties thereunto; and the said Agreement, as it is herein before set forth, shall by Force and Virtue of this Act, be of the same Validity, Force, and Effect, as if the same had been inrolled in any of His Majesty's Courts of Record at Westminster pursuant to the Statute for inrolling of Deeds; and that a certain Messuage belonging to a Farm of the Reverend Doctor Reuben Clark, called Causeway-end Farm, is and shall from henceforth always be deemed as a commonable Messuage within Waterbeach, having Right of Common within the said Level, subject nevertheless to the Provisions made by the Articles herein before mentioned, for the stinting and regulating the said Commons.

Limitation of Actions.

XV. And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information shall be commenced or prosecuted against any Person or Persons, for any thing done, or to be done, in pursuance of this Act, and in the Execution of any the Powers and Authorities hereby given, every such Action or Suit shall be commenced within Three Months next after the Fact committed, and not afterwards, and shall be laid or brought in the said County of Cambridge, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue (Not Guilty) and if in Replevin, may justify and avow by Virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do; and give this Act and the Special Matter in Evidence, without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon; and that the same was done in pursuance and by the Authority of the said Act; and if the same shall appear to have been so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, then the Jury shall find for the Defendant or Defendants, Avowant or Avowants; or if the Plaintiff or Plaintiffs shall become nonsuit, or forbear Prosecution, or discontinue his, her, or their Suit or Suits, or if any Verdict shall pass against him, her, or them, or Judgement be given against him, her, or them, upon a Demurrer, or otherwise; then, and in any of the said Cases, the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, for which he, she, or they, shall have like Remedy as where Costs by Law are awarded.

General Issue.

Treble Costs.

Publick Act.

XVI. And be it further enacted, That this Act shall be deemed, taken, and allowed to be a Publick Act, and all Judges, and other Persons, are hereby required to take Notice thereof as such, without specially pleading the same.

CAP. XXV.

An Act for repairing the Road leading from *Eland* to the Town of *Leeds*, in the West-Riding of the County of *York*.

Preamble.

WHEREAS the Road leading from *Eland* to the Town of *Leeds* in the West-Riding of the County of *York*, being the great Publick Highway leading from the City of *Chester*, and from *Leverpool*, *Warrington*, *Manchester*, *Rochdale*, and other Towns in the County of *Lancaster*, to the said Town of *Leeds*, is become very ruinous, and in many Parts thereof so deep in the Winter Seasons, that the same is then impassable for Wheel Carriages, and dangerous for Travellers to pass through the same; and cannot,

not, by the ordinary Courſe provided by the Laws for repairing the Highways of this Kingdom, be effectually repaired and amended, unleſs ſome further Proviſion be made for raiſing Money to be applied for that Purpoſe, *&c.*

Certain Tolls are granted from 1 June, 1741, *for* 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XXVI.

An Act for making a Chapel lately built by *John Coppin* Eſquire, at *Market Street*, in the Pariſh of *Cadington*, in the County of *Hertford*, a perpetual Cure and Benefice; and for other Purpoſes therein mentioned.

8 *Decemb.* 1662. WHEREAS *Thomas Coppin*, heretofore of the Pariſh of *Cadington* in the County of *Hertford* Eſquire, deceaſed, by his laſt Will and Teſtament bearing Date the Eighth Day of *December*, One thouſand ſix hundred and ſixty two, gave and deviſed to his Son *John Coppin* Eſquire, Four hundred Pounds, in Truſt, that the ſame ſhould be diſburſed or beſtowed upon the Purchaſe of an Houſe in *Market Street*, in the Counties of *Hertford* and *Bedford*, convenient for a School-houſe; and of ſo much Land of the moſt yearly Value as could be purchaſed therewith, towards the Repairs of the ſaid School, and the Maintenance of a Schoolmaſter, who ſhould be from time to time appointed by the ſaid *John Coppin*, his Heirs, and Aſſigns, for inſtructing the Youth of the Town of *Market Street* aforeſaid in all good Learning and Manners, in the *Engliſh* and *Latin* Tongues; and directed that the ſame Houſe and Lands ſo purchaſed ſhould immediately after the purchaſing thereof be conveyed, ſettled, and aſſured unto and upon ſuch Eight Perſons Inhabitants of and Dwellers in the ſaid Town, and the Survivors of them and their Heirs, as his Son *John Coppin*, or his Heirs or Aſſigns ſhould think fit and appoint: In Truſt nevertheleſs for the Benefit and Maintenance of the ſaid School; and that when and ſo ſoon as any Four of the ſaid Truſtees, after ſuch Conveyance and Settlement made as aforeſaid, ſhould depart this Life, then the ſurviving Truſtees ſhould chooſe Four other Perſons to be Truſtees jointly with thoſe ſurviving, in the Room and Places of ſuch of them as ſhould be ſo deceaſed, for the carrying on and Management of the Affairs and Buſineſs of the ſaid School, and ſo upon the Deceaſe of any other Four of the ſaid Truſtees, that Four new ones ſhould be choſen from time to time, and the ſame Order obſerved for ever by the Survivors; and that the ſaid Houſe and Lands ſo purchaſed, ſhould be from time to time ſo ſettled and aſſured, as well upon the ſaid new Truſtees, as upon the ſaid Survivors and their Heirs; and that the ſaid Truſtees ſhould, from time to time, for ever receive the Rents and Profits of the ſaid Lands, and pay the ſame, as well towards the Repair of the ſaid School-houſe, as to the Maſter of the ſaid School, towards his Pains to be taken therein.

25 *Jan.* 1666. And whereas, by Indenture of Feoffment, with Livery and Seiſin thereon, bearing Date the Twenty fifth Day of *January*, One thouſand ſix hundred and ſixty ſix, and made or mentioned to be made between the ſaid *John Coppin* of the one Part; and *Thomas Munn*, *Richard Barnes*, *William Glover*, *Daniel Bryden*, *Joſiah Skinner*, *Thomas Bryden*, *William Collett*, and *Robert Bryden*, all Inhabitants of *Market Street* aforeſaid, of the other Part; reciting to the Effect herein before recited; The ſaid *John Coppin*, in purſuance of the ſaid Will, and of the Truſt and Confidence in him repoſed, did grant and convey, All that Meſſuage or Tenement ſituate in *Market Street*, aforeſaid, in the Pariſh of *Studham*, in the ſaid County of *Bedford*, commonly called or known by the Name of the *Mermaid*, with the Appurtenances, and all Houſes, Edifices, Barns, Stables, Orchards, Gardens, and Backſides to the ſaid Meſſuage or Tenement belonging, or in any wiſe appertaining (except as is therein excepted) Unto the ſaid *Thomas Munn*, *Richard Barnes*, *William Glover*, *Daniel Bryden*, *Joſiah Skinner*, *Thomas Bryden*, *William Collett*, and *Robert Bryden*, and their Heirs: To the Uſes, Intents, and Purpoſes declared, mentioned, and expreſſed in the ſaid Will of the ſaid *Thomas Coppin*: And by a Memorandum indorſed on the ſame Indenture at the Sealing and Delivery thereof, and ſigned by the ſaid *John Coppin*, it is mentioned, that the ſaid *John Coppin* had laid out in the Purchaſe of the ſaid Meſſuage or Tenement Two hundred and fifty Pounds of the ſaid Four hundred Pounds, and that One hundred and fifty Pounds of the ſaid Four hundred Pounds remained in his Hands, which he was ready to diſpoſe of for a Purchaſe according to the ſaid Will of the ſaid *Thomas Coppin*, as ſoon as a convenient Purchaſe could be found out, and in the mean Time that he was ready to pay Intereſt for the ſaid One hundred and fifty Pounds, at Six Pounds *per Centum*.

And whereas the ſaid *John Coppin* ſometime afterwards died, leaving *John Coppin* Eſquire, his eldeſt Son and Heir at Law.

17 *June*, 1734. And whereas, by an Inſtrument under the Hand and Epiſcopal Seal of the Right Reverend Father in God, *Richard* Lord Biſhop of *Lincoln*, bearing Date the Seventeenth Day of *June*, One thouſand ſeven hundred and thirty four, reciting, That it had been repreſented by the humble Petition of the ſaid *John Coppin*, the Son, that the ſaid Town of *Market Street* was ſituate within the Pariſhes of *Cadington*, *Flamſted*, and *Studham*, in the Counties of *Hertford* and *Bedford*, above Two Miles diſtant from any Pariſh Church or Chapel; and that the Inhabitants of the ſaid Town, being very numerous, and many of them very old, were unable (eſpecially in Winter) to travel to their reſpective Pariſh Churches; and reciting, That the ſaid *John Coppin* had propoſed to erect and build, at his own Coſts and Charges, on Part of the Waſte of his Manor of *Market Street* within the ſaid Pariſh of *Cadington*, a Brick Chapel, containing about Forty eight Feet in Length and Eighteen Feet in Breadth, or thereabouts, and to endow the ſame with Ten Pounds a Year, to be for ever iſſuing out of certain Lands to be charged with the Payment thereof, and reciting, That the Dean and Chapter of the Cathedral Church of *Saint Paul*, *London*, as Patrons, and the Reverend Mr. *William Hatfield*, the Vicar of the Pariſh Church of *Cadington* aforeſaid, by a Writing under their Hands had conſented to the building of the ſaid Chapel, and agreed that the ſaid *John Coppin* the Son, and his Heirs, ſhould have the Right of nominating a Miniſter to ſerve the Cure of the ſaid Chapel: The ſaid *Richard* Lord Biſhop of *Lincoln*, upon the ſaid Petition of the ſaid *John Coppin* the Son, did give and grant a Licence to him to erect and build a Chapel within the ſaid Pariſh of *Cadington*, in Manner and for the Purpoſes aforeſaid; and that the ſaid *John Coppin* the Son, and his Heirs, for ever ſhould have the Right of nominating a Miniſter to ſerve the Cure of the ſaid Chapel, as the ſame ſhould become vacant.

And whereas the ſaid *John Coppin* the Son, purſuant to the Propoſal and Licence herein before mentioned, did, at his own Coſts and Charges, build a Brick Chapel on the Waſte Ground aforeſaid, and did

ſet up and erect convenient Pews and Seats within the ſame, for the more commodious attending Divine Service to be celebrated therein; and the ſaid *John Coppin* the Son, after the Conſecration of the ſaid Chapel, did nominate and appoint *William Pittman* Clerk, to be the Miniſter or Curate thereof, who hath ever ſince performed Divine Offices therein, according to the Uſage of the Church of *England*.

And whereas by Indenture of Three Parts (inrolled in *Chancery*) bearing Date the Twentieth Day of *June*, One thouſand ſeven hundred and thirty five, and made or mentioned to be made between the ſaid *John Coppin* the Son of the firſt Part; the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, of the ſecond Part; and the ſaid *William Pittman* Clerk, Curate of the Curacy of *Market Street* within the Pariſh of *Cadington* in the County of *Hertford* and Dioceſe of *Lincoln*, of the third Part; reciting, That the ſaid *John Coppin* the Son had propoſed to ſettle a Rent Charge of Ten Pounds a Year, clear of all Deductions, for the Augmentation of the Curacy of *Market Street* aforeſaid, ſo ſoon as the ſaid Governors ſhould order the Sum of Two hundred Pounds, to be laid out for a further Augmentation thereof; and that the ſaid Governors had ordered the Sum of Two hundred Pounds, to be paid out of their Revenue, to be laid out in a Purchaſe of Lands, Tithes, or other Hereditaments, to be ſettled for a further Augmentation of the ſaid Curacy: It is witneſſed, That in Conſideration of the Premiſſes, and in Performance of the ſaid Propoſal, he the ſaid *John Coppin* the Son, did bargain, ſell, and confirm, One Annuity or yearly Rent Charge of Ten Pounds *per Annum*, clear of all Deductions whatſoever, to be iſſuing and payable out of all thoſe Cloſes and Parcels of Land, ſituate round the Capital Meſſuage of the ſaid *John Coppin* the Son, called *Market Cell* near *Market Street* aforeſaid, and lying round the Dove-houſe, Out-houſes, Gardens, and Orchards belonging to the ſaid Capital Meſſuage; all which ſaid Cloſes and Parcels of Lands are therein mentioned to contain by Eſtimation Fifty Acres, and abutted Eaſt, Weſt, North, and South upon *Cadington* Common, and were then in the Poſſeſſion of the ſaid *John Coppin* the Son, unto the ſaid *William Pittman*, and his Succeſſors, Curates of the ſaid Curacy, for ever, for a perpetual Augmentation of the ſaid Curacy, and to be payable half-yearly at *Michaelmas* and *Lady-day* in every Year by equal Portions. 20 *June*, 1735.

And whereas by Indenture (inrolled in *Chancery*) bearing Date the Twenty ſixth Day of *July*, One thouſand ſeven hundred and thirty five, and made or mentioned to be made between the laſt named *John Coppin*, of the one Part; and Sir *John Napier* Baronet, Sir *Thomas Saunders Sebright* Baronet, (ſince deceaſed) Sir *Samuel Garrard* Baronet, *Henſhaw Halſey* Eſquire, (ſince deceaſed) *John Crawley* Eſquire, *Thomas Aſhby* Eſquire, *Peter Warburton* Eſquire, *John Coppin* Eſquire, eldeſt Son and Heir apparent of the ſaid *John Coppin* the Elder, the ſaid *William Hatfield*, Vicar of the Pariſh Church of *Cadington* aforeſaid, and *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, and *John Goodes*, and *William Barnes*, (who is ſince dead) of the other Part: He the ſaid *John Coppin* the Elder, for the Conſideration therein mentioned, did grant, bargain, ſell, and confirm, All the ſaid Chapel, and Scite thereof, with the Appurtenances; and alſo Three ſeveral Annuities or Rents-charge of Ten Shillings, One Pound, and One Pound Ten Shillings a Year, payable half-yearly, and to be reſpectively iſſuing out of the ſaid Cloſes or Parcels of Land containing Fifty Acres, Unto and to the Uſe of the ſaid Sir *John Napier*, Sir *Thomas Saunders Sebright*, Sir *Samuel Garrard*, *Henſhaw Halſey*, *John Crawley*, *Thomas Aſhby*, *Peter Warburton*, *John Coppin* the younger, *William Hatfield*, *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, *John Goodes*, and *William Barnes*, their Heirs and Aſſigns, upon the Truſts, and ſubject to the ſeveral Rules, Orders, Limitations, Proviſoes, and Reſtrictions therein after mentioned; that is to ſay, As to the ſaid Chapel and Scite thereof, to the Intent that the ſame ſhould from time to time, and for ever thereafter, be uſed and ſet apart as a Place for Religious Worſhip, and the Service of the Almighty God: And as to the ſaid Annuity or yearly Rent Charge of Ten Shillings, to the Intent that the ſame ſhould be diſpoſed of, paid, and applied towards the providing and finding Bread and Wine for adminiſtering the Holy Sacrament in the ſaid Chapel: And as to the ſaid Annuity or Rent Charge of One Pound and Ten Shillings a Year, to the Intent that the ſaid Truſtees ſhould thereout defray the Charges and Outgoings neceſſary for the keeping the ſaid Chapel, with the Appurtenances, and the Pews or Seats, or other Ornaments within the ſame in convenient Repair, and alſo in finding and providing Books for the Miniſter and Clerk, and a Surplice for the Miniſter: And as to the ſaid Annuity or Rent Charge of One Pound a Year, upon Truſt that there ſhould be One Clerk of the ſaid Chapel, who ſhould be nominated by the Miniſter of the ſaid Chapel for the time being; and that the ſaid Truſtees ſhould pay the ſaid Annuity or Rent Charge of One Pound to the ſaid Clerk for the time being, for his Attendance in the ſaid Chapel, in the Station or Quality of a Clerk there. And to the End that the ſaid Chapel might be ſupplied by Perſons of Learning, it is thereby declared and agreed by the ſaid *John Coppin* the elder, that from and after the Death of Mr. *John Howard*, then and now Schoolmaſter of the ſaid School, the ſaid *John Coppin* the elder, and his Heirs, or the Perſon or Perſons for the time being, intitled to the Nomination of the Schoolmaſter of the ſaid School, ſhould from time to time, as Occaſion ſhould require, nominate and appoint the Miniſter for the time being, of the ſaid Chapel, and his Succeſſors, to be the Schoolmaſter or Teacher of the ſaid School, if ſuch Miniſter ſhould be willing to accept of the ſame. And it is further declared, That the Miniſter of the ſaid Chapel for the time being ſhould read Prayers and preach in the ſaid Chapel, and perform ſuch Offices and Duties at ſuch Times and in ſuch Manner as are therein mentioned. And it is provided and declared, That if the ſaid *John Coppin* the elder ſhould at any Time thereafter make, or procure to be made, any further Endowment for the ſaid Chapel, of any Lands, Tenements, Rents, or Hereditaments, to the Amount of or worth Six hundred Pounds, or upwards, computing the ſaid Rent after the Rate of Twenty four Years Purchaſe; then, and from the Time of ſuch further Endowment, the ſaid Miniſter ſhould perform ſuch further or additional Offices and Duties in the ſaid Chapel, as are therein mentioned. And it is further declared, That the ſaid *John Coppin* the elder, and *John Coppin* the younger, and the Heirs of their Bodies, their and each of their Heirs and Aſſigns (Owners for the time being of the ſaid Capital Meſſuage called *Market Cell*) ſhould at all Times thereafter enjoy one Pew on each Side of the Communion Table, within the ſaid Chapel, and alſo Two Pews or Seats, ſuch as they ſhould think convenient for their Servants, in ſome other Parts of the ſaid Chapel; and that the Miniſter of the ſaid Chapel for the time being, and his Family, ſhould have a Pew or Seat in the ſaid Chapel, for his and their Uſe; and that the reſt of the ſaid Pews and Seats ſhould be uſed and enjoyed by the Inhabitants of the ſaid Town of *Market Street*; and that if any Diſputes or Differences ſhould ariſe between the ſaid Inhabitants, touching the ſaid Seats, or Pews, or Places to ſit in the ſaid Chapel; ſuch Differences or Diſputes, during the Life-time of the ſaid *John Coppin* the elder, ſhould be finally determined by him, and after his Death by the ſaid Truſtees for the time being, or the major Part of them. And it is further declared, That the ſaid *John Coppin* the elder, his Heirs, and Aſſigns (Owners for the time being of the ſaid Capital Meſſuage called *Market Cell*) ſhould be the perpetual Patrons of the ſaid Chapel; and ſhould from time to time have the ſole Nomination and Election 26 *July*, 1735.

of

of the Miniſter of the ſaid Chapel to ſerve in the ſame; and that ſuch Perſon at the Time of his Election or Nomination ſhould be in the Holy Orders of Prieſthood. And it is further declared, That no Part of the ſaid Annuity or Rent Charge of One Pound Ten Shillings a Year ſhould be received or demanded by the ſaid Truſtees, or any of them, or any others to be appointed in their Stead, until the ſaid Truſtees, or ſome Five of them ſhould, by Writing under their Hands atteſted by Two or more Witneſſes, certify, that there was Occaſion for the Arrears of the ſaid yearly Rent Charge of One Pound Ten Shillings a Year, or ſome Part thereof, ſpecified in ſuch Certificate, for the making neceſſary Repairs for the ſaid Chapel, with the Appurtenances, or the ſaid Pews or Seats, or for the providing other Ornaments within the ſame, or for the Surplice for the ſaid Miniſter, or Books for the ſaid Miniſter or Clerk. And it is further declared, That as ſoon as any Eight of the ſaid Truſtees thereby nominated and appointed, or of any new Truſtees to be appointed in their Stead, ſhould happen to die, ſo that thereby the Number of the ſurviving Truſtees ſhould be reduced to Nine; then the ſaid ſurviving Truſtees ſhould, from time to time, within Five Months then next following, convey the ſaid Chapel and Ground, with the Appurtenances, and the ſaid Annuities of Ten Shillings, One Pound, and One Pound Ten Shillings, to the Uſe of themſelves and ſo many other new Truſtees as would make up in the whole the Number Seventeen, their Heirs, and Aſſigns (the ſaid ſeveral Truſtees for the ſaid School to be always named Truſtees for the Management of the ſaid Chapel and Annuities) ſubject to the ſame Truſts, Intents, and Purpoſes, and to the ſame Orders, Limitations, Proviſoes, and Directions as are therein before mentioned touching the ſame Premiſſes; and that ſuch Conveyances ſhould be repeated and renewed from time to time, and as often as there ſhould be Occaſion, to the Intent that a competent Number of Truſtees ſhould be always kept up for the preſerving and taking Care of the ſaid Chapel and Charity; and that ſuch new Truſtees ſhould be choſen by the ſaid *John Coppin* the elder, his Heirs, and Aſſigns (Owners of the ſaid Capital Meſſuage called *Market Cell*) and by the old Truſtees then remaining, of and for the ſaid Chapel and Charity; and that ſuch new Truſtees ſhould have the like Powers and Authorities as the Truſtees in whoſe Places they ſhould ſucceed are thereby ſeverally inveſted with. And it is further declared, That the eldeſt Son of the ſaid *John Coppin* the elder, and the Heirs Male of his Body, and in Default of ſuch Iſſue the next Heir Male for the time being of the Body of the ſaid *John Coppin* the elder, ſhould from time to time be one of the Truſtees for the Management of the ſaid Truſt.

31 *Aug.* 1736. And whereas by Indenture of Three Parts (inrolled in *Chancery*) dated the Thirty firſt Day of *Auguſt*, One thouſand ſeven hundred and thirty ſix, and made or mentioned to be made between the ſaid *John Coppin* the elder of the firſt Part; the ſaid Governors of the Bounty of Queen *Anne*, for the Augmentation of the Maintenance of the poor Clergy, of the ſecond Part; and the ſaid *William Pittman*, of the third Part; reciting, That the ſaid *John Coppin* the elder, had propoſed to the ſaid Governors, to ſettle a Rent Charge of Ten Pounds a Year, clear of all Deductions, for the Augmentation of the ſaid Curacy; and that the ſaid Governors had ordered Two hundred Pounds out of their Revenue, to be laid out in the Purchaſe of Lands, Tithes, or other Hereditaments, to be ſettled for a further Augmentation of the ſaid Curacy: The ſaid *John Coppin* the elder, in Performance of the ſaid Propoſal, and for other Conſiderations therein mentioned, did grant, bargain, and ſell, One Annuity or Rent Charge of Ten Pounds a Year, clear of all Deductions, to be iſſuing out of the ſaid Cloſes and Parcels of Land, containing about Fifty Acres, To the Uſe of the ſaid *William Pittman* and his Succeſſors Curates of the ſaid Curacy, for a perpetual Augmentation thereof, and to be payable half-yearly.

17 *July*, 1738. And whereas by Indenture of Three Parts (inrolled in *Chancery*) bearing Date the Seventeenth Day of *July*, One thouſand ſeven hundred and thirty eight, and made or mentioned to be made between the ſaid *John Coppin* the elder, of the firſt Part; the ſaid Governors of the Bounty of Queen *Anne*, of the ſecond Part; and the ſaid *William Pittman*, of the third Part; reciting, That the ſaid *John Coppin* the elder had propoſed to ſettle, and conformable thereto had ſettled and conveyed the ſaid Two ſeveral Rents Charge or Sums of Ten Pounds, and Ten Pounds a Year, in the Manner herein before mentioned; and that the ſaid Governors had ordered the ſaid Two ſeveral Sums of Two hundred Pounds, and Two hundred Pounds out of their Revenue, to be laid out in a Purchaſe for a further Augmentation of the ſaid Curacy as aforeſaid: It is witneſſed, That in Conſideration of the Sum of Four hundred Pounds therein mentioned to be paid by the ſaid Governors to the ſaid *John Coppin* the elder, and for other Conſiderations in the ſaid Indenture expreſſed, the ſaid *John Coppin* the elder did grant, bargain, and ſell, One Annuity or Rent Charge of Fifteen Pounds a Year, clear of all Deductions, to be iſſuing out of a Meſſuage or Tenement, and certain Lands, Grounds, and Hereditaments therein mentioned to be ſituate in the Town and Pariſh of *Stewkley*, in the County of *Bucks*, and to have been lately purchaſed by the ſaid *John Coppin* the elder, of *Thomas Cannon*; all which ſaid Premiſſes now are, or late were, in the Tenure of *William Smith*, at the yearly Rent of Thirty two Pounds, To the ſaid *William Pittman* and his Succeſſors, Curates of the ſaid Curacy, for a perpetual Augmentation thereof.

2 *Decem.* 1738. And whereas by Indenture of Three Parts (inrolled in *Chancery*) bearing Date on or about the Second Day of *December*, One thouſand ſeven hundred and thirty eight, and made or mentioned to be made between the ſaid *John Coppin* the elder, of the firſt Part; the ſaid Governors of Queen *Anne*'s Bounty of the ſecond Part; and the ſaid *William Pittman*, of the third Part; for the Conſideration therein mentioned: The ſaid *John Coppin* the elder did give and grant, All that Moiety, or one Half Part of the ſaid Meſſuage or Tenement, Lands, Hereditaments, and Premiſſes, charged with the ſaid Rent Charge of Fifteen Pounds a Year, by the ſaid Indenture of the Seventeenth Day of *July*, One thouſand ſeven hundred and thirty eight, To the ſaid *William Pittman* and his Succeſſors, Curates of the ſaid Curacy, for a perpetual Augmentation thereof: And in Conſideration of Two hundred Pounds, ſecured to be paid by the ſaid Governors to the ſaid *John Coppin* the elder, the ſame *John Coppin* did bargain and ſell the other Moiety of the ſaid Premiſſes, chargeable as aforeſaid, To the ſaid *William Pittman* and his Succeſſors, Curates of the ſaid Curacy, for a perpetual Augmentation thereof.

6 *Decem.* 1738. And whereas by Indenture (inrolled in *Chancery*) bearing Date the Sixth Day of *December*, One thouſand ſeven hundred and thirty eight, and made, or mentioned to be made, between the ſaid *John Coppin* the elder, of the one Part; and the ſaid *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, *John Goodes*, and *William Barnes*, of the other Part; reciting, (among other Things) That the ſaid Meſſuage called *The Mermaid*, and Premiſſes conveyed by the ſaid *John Coppin* deceaſed as aforeſaid, were reputed of the Value of Two hundred and fifty Pounds and upwards, and were conveyed in Satisfaction of Two hundred and fifty Pounds, Part of the ſaid Four hundred Pounds, deviſed by the ſaid Will of the ſaid *Thomas Coppin* as aforeſaid; and that the Sum of One hundred and fifty Pounds, Reſidue of the ſaid Four hundred Pounds, ſtill remain in the Hands of the ſaid *John Coppin* the Elder: It is witneſſed, that in Conſideration of the ſaid One hundred and fifty Pounds, to which the ſaid *John Coppin* the Elder was to be intitled; and to the Intent that the Rents, Iſſues, and Profits of the Meſſuage, Lands, Tenements,

Tenements, and Hereditaments herein after mentioned, might be for ever thereafter laid out, diſpoſed of, and employed, to the ſeveral Intents and Purpoſes herein after expreſſed; and for other Conſiderations therein mentioned; he, the ſaid *John Coppin* the elder did grant, bargain, and ſell, All that Meſſuage or Tenement ſituate, ſtanding, and being in *Loughton*, in the County of *Bucks*, formerly in the Occupation of *Richard Kent*, his Aſſignee or Aſſigns, Tenant or Under-tenant; and alſo all that Cloſe or Pightle of Paſture Ground unto the ſame adjoining and belonging, containing by Eſtimation Two Acres (more or leſs) and alſo all thoſe ſeveral Pieces and Parcels of Arable Land, Ley, and Meadow Ground, containing by Eſtimation Sixty Acres (more or leſs) diſperſedly lying and being within the Fields, Meadows, Pariſh, and Precincts of *Loughton* aforeſaid, and formerly were in the Occupation of the ſaid *Richard Kent*, his Undertenants, or Aſſigns; all which ſaid Meſſuage or Tenement, Cloſe or Paſture, Arable Land, Ley, and Meadow Ground, with their Appurtenances, were heretofore purchaſed by *William Dudley*, of *John Perrott* and *Richard Perrott*, by Indenture of Feoffment, bearing Date on or about the Ninth Day of *June*, One thouſand ſix hundred and eighty three, and in and by the ſame Deed are more particularly abutted, bounded, and ſet forth; and alſo all thoſe ſeveral Pieces and Parcels of Arable Land and Ley Ground diſperſedly lying and being within the Common Fields, Pariſh, and Precincts of *Loughton* aforeſaid, containing by Eſtimation Forty Acres (more or leſs) and are reputed, taken, and eſteemed to be Half a Plough Land, Half a Quarter and one Half of an Half Quarter of a Plough Land; and alſo all thoſe Two Plots or Pieces of Meadow Ground, with their Appurtenances, lying within the Pariſh of *Loughton* aforeſaid, adjoining to *Bradwell*; all which ſaid Forty Acres of Arable Land and Ley Ground, and Two Plots or Pieces of Meadow Ground, formerly were in the Occupation of *Thomas Dennis*, his Aſſignee or Aſſigns, and were lately likewiſe purchaſed by the ſaid *William Dudley* of *Catharine Bynion* Widow, *Thomas Bynion*, and *William Bynion*, by Indentures of Leaſe and Releaſe, bearing Date reſpectively on or about the Ninth and Tenth Days of *March*, One thouſand ſix hundred and ninety two; and alſo all thoſe ſeveral Pieces and Parcels of Arable Land, Paſture, Ley, or Meadow Ground, with their Appurtenances, containing by Eſtimation Fifteen Acres and One half Rood, diſperſedly lying and being within the Pariſh, Fields, and Precincts of *Loughton* aforeſaid, and amongſt other Lands and Tenements, were likewiſe lately purchaſed by the ſaid *William Dudley* of *Thomas Brouce Whorwood* Eſquire, and *Elizabeth* his Wife, and *Edward Burdett* Eſquire, by Indentures of Leaſe and Releaſe, bearing Date reſpectively on or about the Fifth and Sixth Days of *July*, in the Fourth Year of the Reign of King *James* the Second, and in the ſaid laſt Indentures more particularly abutted, bounded, and ſet forth; all which ſaid Meſſuage or Tenement, Cloſe or Pightle of Paſture Ground, Arable Land, Ley, and Meadow Ground, then, or late were, in the Tenure or Occupation of the Widow *Sumner*, or her Aſſigns, and by Indentures of Leaſe and Releaſe, bearing Date reſpectively on or about the Twenty fourth and Twenty fifth Days of *July*, One thouſand ſix hundred and ninety ſix, amongſt other Lands and Tenements therein mentioned, were granted and conveyed by the ſaid *William Dudley*, and *Elizabeth* his Wife, unto *Dorothy Smith* Widow, ſince deceaſed, and her Heirs; and, in and by the laſt Will and Teſtament of the ſaid *Dorothy Smith*, bearing Date on or about the Seventeenth Day of *October*, One thouſand ſix hundred and ninety nine, were bequeathed unto *Roger Smith* the elder, deceaſed, her Son in Law, and *Roger Smith* the younger, deceaſed, Son of *Richard Smith*; and after the Death of the ſaid *Roger Smith* the elder (who died inteſtate) One Moiety, or Half Part of the ſaid Premiſſes, deſcended and came to the ſaid *Richard Smith* the elder, as his only Brother and Heir at Law, and in and by the laſt Will and Teſtament of the ſaid *Richard Smith* the elder, bearing Date on or about the Twenty ſixth Day of *October*, One thouſand ſeven hundred and twenty, amongſt other Lands and Tenements therein mentioned, the ſaid Moiety of the ſaid Premiſſes was given to the ſaid *Roger Smith* the younger, eldeſt Son and Heir at Law of the ſaid *Richard Smith* the elder, and afterwards all and ſingular the ſaid Premiſſes veſted and came to the ſaid *Richard Smith* the younger, eldeſt Brother and Heir at Law to the ſaid *Roger Smith* the younger, and by Indentures of Leaſe and Releaſe, bearing Date reſpectively on or about the Fifteenth and Sixteenth Days of *January*, One thouſand ſeven hundred and thirty, all the ſame Premiſſes were granted and conveyed by the ſaid *Richard Smith* the younger, unto the ſaid *Anne Smith*, and her Heirs; and alſo all Houſes, Out-houſes, Edifices, Buildings, Barns, Stables, Yards, Gardens, Orchards, Backſides, Curtilages, Hedges, Ditches, Trees, Mounds, Fences, Wood, Under-wood, Freeboards, Haydes, Stables, Balks, Furrows, Ways, Eaſements, Commons, Common of Paſture, Waters, Waterings, Lott-buſhes and Lott-furzes, Profits, Commodities, Tenements, Emoluments, Hereditaments, and Appurtenances whatſoever, unto the aforeſaid Meſſuage or Tenement, Cloſe or Pightle of Paſture Ground, Arable Land, Ley, Meadow Ground, Tenement, and Premiſſes belonging, or in any wiſe appertaining, or accepted, reputed, or taken as Part, Parcel, or Member thereof, and then, or lately, occupied, held, or enjoyed therewith; and alſo all the Meſſuages, Cloſes, Lands, Tenements, and Hereditaments whatſoever, which were granted and conveyed to the ſaid *John Coppin* the elder, by certain Indentures of Leaſe and Releaſe, bearing Date reſpectively the Twenty eighth and Twenty ninth Days of *September*, One thouſand ſeven hundred and thirty ſix; and the Reverſion and Reverſions, Remainder and Remainders, Rents, Iſſues, and Profits of all and ſingular the ſaid Meſſuages, Lands, Hereditaments, and Premiſſes; and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Poſſeſſion, Claim, and Demand whatſoever, either at Law or in Equity, of him the ſaid *John Coppin* the elder, of, in, to, or out of the ſaid Meſſuage, Lands, Hereditaments, and Premiſſes, and every or any Part or Parcel thereof; all which ſaid Premiſſes are now in the Tenure of *Samuel Mitchell*, at the yearly Rent of Thirty ſix Pounds; To and to the Uſe of the ſaid *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, *John Goodes*, and *William Barnes*, and their Heirs; In Truſt that they ſhould pay and apply the clear yearly Rents, Iſſues, and Profits thereof, in Manner following; (that is to ſay) $\frac{3}{18}$ Parts thereof for and towards the Repairs and Maintenance of the ſaid School and Schoolmaſter in *Market Street* aforeſaid, in the ſame Manner, and to and for the like Intent and Purpoſe, as the yearly Intereſt and Produce of the ſaid One hundred and fifty Pounds ought to have been applied or diſpoſed of by virtue of the ſaid Will of the ſaid *Thomas Coppin*, and to be in Lieu and Satisfaction of the Intereſt and Produce of the ſaid One hundred and fifty Pounds; and the ſaid $\frac{3}{18}$ Parts to be paid and payable at *Michaelmas* and *Lady-day* in every Year, by equal Portions: And alſo in Truſt to pay the other $\frac{15}{18}$ Parts thereof, in the firſt Place in Aid of the ſaid Annuities of Ten Shillings, and One Pound and Ten Shillings a Year, and to make good any Deficiency therein for the Purpoſes aforeſaid; and the Reſidue thereof to the Miniſter or Curate of the ſaid Chapel for the time being, for a further perpetual Augmentation of the ſaid Curacy. And it is declared, That it was the ſole Motive or Inducement of the ſaid *John Coppin* the elder, for making ſuch further Augmentation, that the Miniſter or Curate of the ſaid Chapel for the time being, over and above the Duties and Services directed and enjoined to be performed by the ſaid Indenture of the Twenty ſixth Day of *July*, One thouſand ſeven hundred and thirty five, ſhould alſo do and perform from thenceforth in the ſaid Chapel the additional Duties and Services therein mentioned. And it is further declared and pro-

vided, That if the Miniſter or Curate of the ſaid Chapel for the time being, ſhould not punctually perform in the ſaid Chapel, over and above the Duties and Services mentioned in the ſaid Indenture of the Twenty ſixth Day of *July*, One thouſand ſeven hundred and thirty five, the ſeveral Duties and Services directed by the ſaid Indenture of the Sixth Day of *December*, One thouſand ſeven hundred and thirty eight, according to the true Intent and Meaning thereof; then the ſaid Truſtees, and the Survivors and Survivor of them, his Heirs, and Aſſigns, ſhould procure ſome other Miniſter or Clerk in Holy Orders, to perform the further and additional Duties and Services thereby directed; and ſuch Miniſter or Clerk, performing ſuch further and additional Services, ſhould during the Time of his performing the ſaid Duties and Services only, have and receive the ſaid $\frac{13}{18}$ Parts of the ſaid clear yearly Rents and Profits of the ſaid Premiſſes (ſubject to the making good ſuch Deficiency as aforeſaid) to his own Uſe and Benefit, by half-yearly Payments. And it is further declared, That no Part of the ſaid $\frac{13}{18}$ Parts of the ſaid Rents and Profits of the ſaid Premiſſes thereby appropriated in Aid of the ſaid Annuity of One Pound and Ten Shillings a Year as aforeſaid, ſhould be applied by the ſaid Truſtees, or any of them, or any others to be appointed in their Stead, until the ſame Truſtees, or ſome Five of them, ſhould by Writing under their Hands, atteſted by Four or more Witneſſes, certify that there was Occaſion for the making neceſſary Repairs for the ſaid Chapel, or the Pews, Seats, or Ornaments within the ſame, or for the Surplice for the ſaid Miniſter, or Books for the ſaid Miniſter and Clerk; and that the ſaid Annuity of One Pound and Ten Shillings a Year, and the Arrears thereof then remaining due, were not ſufficient for that Purpoſe; and ſhould alſo certify the Sum wanted to make good the Deficiency of the ſaid Annuity of One Pound and Ten Shillings, and the Arrears thereof: But it is thereby declared, That the ſaid $\frac{13}{18}$ Parts of the ſaid clear yearly Rents and Profits of the ſaid Premiſſes, until ſuch Certificate ſhould be ſigned as aforeſaid, ſhould be wholly paid to the ſaid Miniſter or Curate for the time being, for his own Uſe and Benefit. And it is further declared, That if, after the Deceaſe of the ſaid *John Coppin* the elder, the ſaid *John Coppin* the younger, or ſuch other Perſon or Perſons as ſhould be intitled to the Nomination of the Miniſter or Curate to ſerve the ſaid Chapel or Curacy, ſhould for the Space of Six Kalendar Months after the Deceaſe of the Miniſter or Curate thereof, or after the ſaid Chapel or Curacy ſhould become vacant, refuſe or neglect to nominate or appoint a Clerk or Curate to ſerve the ſame, then the ſaid Truſtees ſhould nominate or appoint a Clerk or Curate to ſerve the ſaid Chapel or Curacy, as effectually to all Intents and Purpoſes as if the ſaid *John Coppin* the younger, or the Perſon or Perſons having the Nomination thereof as aforeſaid, had nominated or appointed the ſame. And it is further declared, That as ſoon as any Five of the Truſtees thereby appointed, or of any new Truſtees to be appointed in their Stead, ſhould happen to die, or become incapable of acting in the ſaid Truſt, ſo that the Number of the ſurviving or acting Truſtees ſhould be reduced to Three, then the ſaid ſurviving or acting Truſtees are impowered from time to time, within Five Months then next following, to convey the ſaid Premiſſes to the Uſe of themſelves, and ſo many other new Truſtees as would make up the whole Number Eight, their Heirs, and Aſſigns, ſubject to the ſame Truſts, Limitations, Intents, and Purpoſes, as are therein mentioned touching the ſame Premiſſes; and that ſuch Conveyance ſhould be repeated as often as there ſhould be Occaſion; that a competent Number of Truſtees ſhould be always kept up, for the taking Care of the ſaid Premiſſes; and that ſuch new Truſtees ſhould be choſen by the ſaid *John Coppin* the elder, his Heirs, and Aſſigns (Owners of the Capital Meſſuage called *Market Cell*) and by the old Truſtees then remaining; which ſaid new Truſtees, ſo to be elected, ſhould have the like Powers and Authorities as the ſaid Truſtees in whoſe Places they ſhould ſucceed, are thereby ſeverally inveſted with. And it is further declared, That the eldeſt Son of the ſaid *John Coppin* the elder, and the Heirs Male of his Body, and in Default of ſuch Iſſue, the next Heir Male for the time being of the Body of the ſaid *John Coppin* the elder, ſhould, after the Deceaſe of the ſaid *John Coppin* the elder, be from time to time one of the Truſtees for the Management of the ſaid Truſt. And it is thereby provided, That it ſhould be lawful for the ſaid Truſtees, by Indenture under their Hands and Seals, to demiſe and leaſe all or any Part of the ſaid Premiſſes, for any Term or Number of Years, not exceeding Twenty one Years, in Poſſeſſion, and not in Reverſion, or by way of future Uſe, at the utmoſt and moſt improved yearly Rent that could or might be had or gotten for the ſame at the Time of making any Leaſe or Leaſes thereof; ſo as ſuch Leaſe or Leaſes, by any expreſs Words therein to be compriſed, ſhould not be made diſpuniſhable of Waſte; and ſo as in ſuch Leaſe or Leaſes there ſhould be contained a Clauſe or Power of Diſtreſs and Entry upon Nonpayment of the Rent thereby reſerved; and ſo as the Leſſee or Leſſees in ſuch Leaſe or Leaſes ſhould ſeal Counter-part or Counter-parts thereof. And it is thereby further provided, That it ſhould be lawful for the ſaid Truſtees to cut down Timber upon any Part of the ſaid Premiſſes, for the neceſſary Repairs thereof, in caſe ſuch Repairs were not to be made by, or at the Charge and Expence of, the Tenant or Tenants of the ſaid Premiſſes.

10 *Feb.* 1738. And whereas by Indenture (inrolled in *Chancery*) bearing Date the Tenth Day of *February*, One thouſand ſeven hundred and thirty eight, and made, or mentioned to be made, between the ſaid *John Coppin* the elder, of the one Part, and the ſaid *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, *John Goodes*, and *William Barnes* of the other Part, for making a farther perpetual Augmentation of the ſaid Chapel or Curacy, and other Conſiderations therein mentioned: The ſaid *John Coppin* the elder did bargain and ſell, All that Cloſe of Sward and Sancfoy Graſs Ground, lying and being in a certain Field called *Street Field*, in the Pariſh of *Cadington*, in the ſaid County of *Hertford*, containing, by Eſtimation, Two Acres, be the ſame more or leſs, abutting South-weſt on the King's Highway there called *Watling Street Way*, North-eaſt upon the Land of the ſaid *John Coppin* the elder, and the Land of the ſame *John Coppin* lying on the South-eaſt Part thereof; and alſo all that Cloſe of Arable Land called *White-acre Cloſe*, containing by Eſtimation One Acre, be the ſame more or leſs, lying and being in the Pariſh of *Cadington* aforeſaid, abutting South-weſt upon *Watling Street* aforeſaid, the Lands of *Thomas Byrchmore* lying on the South-eaſt Side thereof called *Cawley*, and abutting towards the North-eaſt upon the ſame Lands of the ſaid *Thomas Byrchmore*; and alſo all that Piece or Parcel of Arable Land lying and being in a certain Common Field of *Cadington* aforeſaid, called *Little Street Field*, abutting alſo upon *Watling Street Way* South-weſt, the Lands of the ſaid *Thomas Byrchmore*, lying on both Sides thereof, and containing by Eſtimation One Acre, be the ſame more or leſs, lately purchaſed of *John Howard*; and alſo all that Piece or Parcel of Arable Land, containing by Eſtimation Two Acres, be the ſame more or leſs, lying and being in a certain Field called and known by the Name of *Widefield*, in the Pariſh of *Flamſted*, in the ſaid County of *Hertford*, the Lands of Mr. *Richard Byrchmore* lying on the South-weſt and South-eaſt Parts thereof, and the Land of the ſaid *John Coppin* the elder on the North-eaſt Part thereof, and the Land of the ſaid *Richard Byrchmore* on the North-weſt Part thereof; and alſo all that Piece or Parcel of Arable Land lying and being in *Widefield* aforeſaid, containing by Eſtimation One Acre, more or leſs, the Land of the ſaid *John Coppin* the elder lying on the Eaſt and North Sides thereof, and a Field called *Clark's Field* on the Weſt Part thereof, and the Land thentofore of *Thomas Alea* of the Bottom on the South Part thereof; and alſo all that other Piece or Parcel of

of Arable Land containing by Eſtimation Two Acres, be the ſame more or leſs, lying and being in a certain Field of *Flamſted* in the County of *Hertford* aforeſaid, called *Nuttman Field*, abutting North-eaſt upon a certain Piece of Land called *Four Acres Piece*, the Land formerly of *Thomas Alea* lying on the Eaſt Part thereof, and the Land thentofore of *Thomas Parratt* lying on the South Part thereof, and the Land ſometime in the Occupation of *Benjamin Munn* on the North Part thereof, lately purchaſed of *John Goodes*, and then in the Occupation of *Thomas Andrew*; or howſoever otherwiſe the ſaid ſeveral Cloſes, Pieces, or Parcels of Graſs Ground, Arable Land, and Premiſſes, are abutting or bounding, called or known; and alſo all that Piece or Parcel of Arable, lying and being in a certain common Field of *Cadington* in the County of *Hertford*, called *Little Street Field*, abutting South-weſt upon *Watling Street Way*, and North-eaſt upon the Lands of *Edward Hickſon*, being an Heading Piece, and the Lands then or late of *John Howard* lying on the South-weſt Side thereof, and the Land then or late of Eſquire *Beckford* on the North-weſt Part thereof, containing by Eſtimation One Acre and three Roods, be the ſame more or leſs; together with all Ways, Waters, Eaſements, Haydes, Balks, Buſhes, Hedges, Ditches, Trees, Mounds, Fences, Commons, Profits, Commodities, Hereditaments, and Appurtenances whatſoever, thereunto belonging, or in any wiſe appertaining, lately purchaſed of *Thomas Byrchmore* of *Cadington*, in the ſaid County of *Hertford*, Yeoman; all which ſaid Cloſes, Pieces, or Parcels of Ground, Lands, Tenements, and Hereditaments, are now in the Occupation of *Howard*, *John Foſſey*, and *Thomas Andrew*, at ſeveral yearly Rents, amounting to the yearly Rent of Eight Pounds ten Shillings, to the ſaid *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, *John Goodes*, and *William Barnes*, and their Heirs, in Truſt, that they ſhould receive the clear Rents, Iſſues, and Profits thereof, and pay and apply the ſame (ſubject to the making good any Deficiencies in the ſaid Annuities of Ten Shillings, and One Pound ten Shillings, a Year, for the Purpoſes aforeſaid) to the Miniſter or Curate of the ſaid Chapel or Curacy for the time being, for a further perpetual Augmentation thereof; in which Indenture ſeveral Proviſoes are contained, for applying the Rents and Profits of the laſt mentioned Premiſſes in Aid of the ſaid Ten Shillings, and One Pound ten Shillings, a Year; for appointing Truſtees upon the Death or Diſability of the old ones; for naming the eldeſt Son of the ſaid *John Coppin* the elder, and the Heirs Male of his Body; and in Default of ſuch Iſſue, the next Heir Male for the time being of the ſaid *John Coppin* the elder, One of the Truſtees for the Management of the ſaid Truſt; and for leaſing the ſaid Premiſſes, in the Manner or to the Effect mentioned and declared in the ſaid Indenture of the Sixth Day of *December*, One thouſand ſeven hundred and thirty eight.

And whereas the ſaid *John Coppin* the elder, *William Pittman*, the Miniſter or Curate of the ſaid Chapel, *John Howard*, the Schoolmaſter of the ſaid School, and alſo the ſaid Sir *John Napier*, Sir *Samuel Garrard*, *John Crawley*, *Thomas Aſhby*, *Peter Warburton*, *John Coppin* the younger, *William Hatfield*, *Richard Byrchmore*, *Daniel Seare*, *Edward Taylor*, *William Weſcombe*, *William Taylor*, *Charles Seare*, and *John Goodes*, the ſurviving Truſtees of the ſaid Chapel and School, are willing and deſirous that the ſaid Chapel may be made a perpetual Cure and Benefice; and that the ſame, and the Scite thereof, and the ſaid $\frac{13}{18}$ Parts of the ſaid Lands and Hereditaments in the Tenure of the ſaid *Samuel Mitchell*, and alſo the ſaid Lands and Hereditaments in the Tenure of the ſaid *Howard*, *John Foſſey*, and *Thomas Andrew*, may be veſted (ſubject to the making good ſuch Deficiencies as aforeſaid) in the ſaid *William Pittman* and his Succeſſors, Curates of the ſaid Curacy for ever; and that the ſaid Three ſeveral Annuities or Rents-charge of Ten Shillings, One Pound, and One Pound ten Shillings, or Ten Shillings, Twenty Shillings, and Thirty Shillings a Year, may be veſted in Chapelwardens appointed for that Purpoſe, and may be for ever applied for the charitable Purpoſes aforeſaid; and that the ſaid School ſo founded in *Market Street* aforeſaid, may, after the Death of the ſaid *John Howard*, the preſent Schoolmaſter, or ſubject to his Enjoyment thereof for his Life, be annexed to the ſaid Curacy for ever; with a Power to the ſaid *William Pittman*, only during his Life, to appoint an Uſher or Aſſiſtant to the ſaid School, if he ſhall think it neceſſary.

And whereas the carrying this Propoſal into Execution will tend to the Advantage of the ſaid Curacy and School, and the Benefit of the ſaid Town of *Market Street*, not only by preventing the Charges and Inconveniencies that may happen in the Election and Appointment of a Succeſſion of Truſtees, but alſo by encouraging the Donations and Contributions of other Perſons to the pious and charitable Uſes and Purpoſes afore mentioned: Yet as the ſame cannot be executed and performed without the Aid of an Act of Parliament, *&c.*

CAP. XXVII.

An Act to enable the Pariſhioners of the Pariſh of Saint *Botolph* without *Aldgate*, in the City of *London*, and County of *Middleſex*, to rebuild the Church of the ſaid Pariſh.

WHEREAS the Church of the Pariſh of Saint *Botolph* without *Aldgate*, in the City of *London*, and County of *Middleſex*, is a very ancient Fabrick; and notwithſtanding conſiderable Sums of Money have been laid out by the Inhabitants of the ſaid Pariſh, in repairing and ſupporting the ſame, Part thereof is in great Danger of falling down, and other Parts in a very ruinous Condition: Now, to the Intent the ſaid Church may be rebuilt for the publick Worſhip of God, and the Inſtruction of the Inhabitants of the ſaid Pariſh in the true Chriſtian Religion as now profeſſed in the Church of England; and that the ſaid Steeple may alſo be rebuilt, and that the ſame may be effected in a Manner that may be leaſt burthenſome to the Inhabitants of the ſaid Pariſh; the Churchwardens, Antients, and other Inhabitants of the ſaid Pariſh, do moſt humbly beſeech Your moſt Excellent Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the Truſtees herein after appointed, or for any Nine or more of them, to cauſe the ſaid Pariſh Church, and the Steeple thereof, to be pulled down, and to be rebuilt after ſuch Model, and of ſuch Dimenſions, and of ſuch Materials, and in ſuch Manner and Place, as by the ſaid Truſtees, or any Nine or more of them, ſhall be agreed upon. Preamble.

II. And for defraying the Expences of pulling down and rebuilding the ſaid Church and Steeple, and for effectually ſecuring the Payment of Annuities by this Act to be granted for the pious Purpoſes aforeſaid; be it further enacted by the Authority aforeſaid, That from and after the First Day of May, which ſhall be in the Year of our Lord One thouſand ſeven hundred and forty one, it ſhall and may be lawful to and for the Truſtees herein after named, or any Nine or more of them, by any Writing under their Hands and Seals, Truſtees to make Aſſeſſments,

Seals, from time to time, to make, or cauſe to be made, an Aſſeſſment or Aſſeſſments on all Lands, Houſes, Tenements, and Hereditaments, within the ſaid Pariſh, ſo as the ſame do not exceed in the whole Six Pence in the Pound in any one Year of the yearly Rent of ſuch Lands, Houſes, Tenements, and Hereditaments, as the ſame ſhall be aſcertained and rated to the Land Tax; and they are hereby authorized and required to order and direct the Receivers and Collectors to be choſen and appointed, as herein after is mentioned, for the time being, to collect quarterly from the Owners and Occupiers of ſuch Lands, Houſes, Tenements, and Hereditaments, ſuch Rates and Sums of Money ſo to be aſſeſſed as aforeſaid, Two Third Parts of which Rates and Aſſeſſments ſhall be paid by the Landlords or Owners, and the other Third Part by the Tenants or Occupiers of ſuch Lands, Houſes, Tenements, and Hereditaments; and which ſaid Tenants and Occupiers ſhall and may deduct and retain out of the Rents payable to the Landlords and Owners of the ſame Premiſſes, the ſaid Two Third Parts of ſuch Rates or Aſſeſſments ſo to be made and collected as aforeſaid; and the ſaid Landlords (mediate or immediate) according to their reſpective Intereſts, are hereby required to allow to ſuch Tenants ſuch Deductions and Payments accordingly; and every Tenant paying any ſuch Rates or Aſſeſſments for or upon the Landlord's Account, ſhall be acquitted and diſcharged for ſo much Money as the ſame ſhall amount unto, as fully and effectually, as if the ſame had been actually paid to any ſuch Landlord or Landlords, or other Perſon or Perſons to whom his or her Rent was or ſhould have been paid or payable; and the Money ariſing, or being due, from ſuch Rates or Aſſeſſments, ſhall be quarterly accounted for, paid, and applied in ſuch Manner, and for ſuch Purpoſes, as by this Act is herein after directed and appointed to be paid and applied.

to be collected quarterly.

Houſes in Tenements, how to be charged.

III. Provided always, That in caſe any Houſe, Tenement, or Premiſſes, ſhall be ſet, let, or occupied in different Apartments, Rooms, or Lodgings, to or by diſtinct and ſeparate Families, Lodgers, or Inmates, the whole Houſe, Tenement, or Premiſſes ſo let or occupied, ſhall be charged with the whole Rate aſſeſſed or to be collected for or in Reſpect of the ſame; and in caſe of Nonpayment, ſhall and may be levied and recovered upon and from any of the Inhabitants or Occupiers of any Part or Parts of ſuch Houſe, Tenement, and Premiſſes, in ſuch and the ſame Manner as the other Rates or Aſſeſſments directed by this Act to be raiſed, are appointed to be levied and recovered.

No Settlement to be made by paying theſe Rates.

IV. Provided always, and it is hereby further declared and enacted, That the Payment of the Rates and Aſſeſſments directed to be raiſed and levied ſhall not intitle any Perſon or Perſons whatſoever to any Settlement in the ſaid Pariſh of Saint Botolph without Aldgate, who was not before ſuch Payment legally intitled to ſuch Settlement in the ſaid Pariſh.

Receivers to inſpect the Books at Pleaſure.

V. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Receivers and Collectors to be appointed purſuant to this Act, at all convenient Times to inſpect the Books or Rates of or for Aſſeſſments of the Land Tax for the ſaid Pariſh, in order to aſcertain the Rates and Aſſeſſments to be raiſed and levied by virtue of this Act, and to take Copies thereof at the Expence of the ſaid Truſtees.

VI. And to the End that all Monies which ſhall ariſe and be collected by the Rates and Aſſeſſments herein before directed to be raiſed may be fully paid, and faithfully applied, to anſwer, ſatisfy, and diſcharge all ſuch Sums of Money as ſhall be neceſſary for rebuilding the ſaid Church and Steeple, and in adorning and compleating the ſaid Church, and which ſhall be advanced and lent upon the Credit of this Act for the Purpoſes aforeſaid, in ſuch Manner as is herein after mentioned; be it further enacted by the Authority aforeſaid, That the Miniſter and Churchwardens of the ſaid Pariſh for the time being, the Lord Mayor of the City of London for the time being, the Right Reverend the Lord Biſhop of London for the time being, all the Members who ſerve in Parliament for the City of London, and County of Middleſex, for the time being, the Alderman for the Ward of Portſoken for the time being, the Lord of the Manor of Eaſt Smithfield for the time being, the Commiſſioners for victualling His Majeſty's Navy for the time being, Micajah Perry Eſquire, and Alderman, Humphry Parſons Eſquire, and Alderman, the Deputy and Common Councilmen for the ſaid Ward of Portſoken for the time being, the Impropriator of the Rectory impropriate of the ſaid Pariſh for the time being, Sir Philip Hall Knight, Robert Pycroft, Edward Holloway, Daniel Burr, John Holbitch, William Belitha, Richard Lockwood, Robert Dennet, Criſp Gaſcoyne, John Williams, Richard Richards, Eſquires; John Mackelcan, Richard Bridgeman, William Myers, Robert Hall, Benjamin Gardner, Thomas Archer, Henry Johnſon, Thomas Harvey, John Mouſe, John Watts, Joſhua Harle, William Brent, Gentlemen, William Wynne Serjeant at Law, the Reverend Edward Acton, Anthony Mead, William Maſſa, William Brazier, Samuel Welburne, Lodowick Mansfield, John Whalley, Francis Hawes, James Fiſher, John Fawcet, William Jones, Turgiſs Bennet, Samuel How, Daniel Wiſe, William Wynne Goldſmith, John Piſtor, William Benford, Seth Avis, John Turnpenny, Richard Neave, William Chapman, Elias Collet, Joſeph Griffin, John Parry, Anthony Ridley, Thomas Rogers, Thomas Bowers, John Abbott, John Edwards, John Price, William Cole, William Croſs, John Atkinſon, Joſeph Twynam, Samuel Jordan, Peter Taylor, John Weatherby, Thomas Barnet, John Symonds, William Hearn, William Williford, James Jacobſon, Robert York, Samuel Heckford, Charles Buckſton, Thomas Ackland, and Edmund Sawtell, Gentlemen; ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution; and that they, and the Survivors of them, or any Nine or more of them, ſhall, and they are by the Authority of this preſent Act impowered to demand, receive, and take the Rates and Aſſeſſments herein before mentioned, and the ſame are hereby veſted in the ſaid Truſtees for the Purpoſes aforeſaid, and ſhall be by them the ſaid Truſtees, or any Nine or more of them, paid and applied to and for the ſeveral Uſes and Purpoſes aforeſaid, in ſuch Manner as is herein after mentioned, the neceſſary Charges expended in applying for and obtaining an Act of Parliament for pulling down and rebuilding the ſaid Church and Steeple, and other incident Charges, being thereout firſt deducted: And in caſe any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Rates or Aſſeſſments, then it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, for the time being, or any Perſon or Perſons as they or any Nine or more of them ſhall by any Writing under their Hands and Seals appoint and authorize,

Names of Truſtees.

authorize, to levy the said Rates and Assessments upon any Person or Persons liable to pay the same, according to the true Intent and Meaning of this Act, by Distress of the Goods and Chattels belonging to the Person or Persons neglecting or refusing to pay the same, and to detain and keep the same, until such Rates or Assessments with the reasonable Charges of such Distress shall be paid; and that it shall be lawful to and for such Person and Persons so distraining, after the Space of Three Days next after such Distress taken, to sell the Goods so distrained, returning the Overplus (if any be) to the Owner or Owners thereof, after such Rate or Rates, Assessment or Assessments, and reasonable Charges for or by Reason of distraining, keeping, and selling the same, shall be deducted.

Collectors to be appointed by the Parish.

VII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Parishioners of the Parish of Saint Botolph without Aldgate aforesaid, in their Vestry assembled, and they are hereby authorized, impowered, and required, within Two Kalendar Months after the passing this Act, to nominate Eighteen substantial Inhabitants of the said Parish, who have not served the Office of Scavenger therein, out of which Eighteen Persons so to be nominated, and in Default of such Nomination, out of such other Inhabitants as have not served that Office there, the Trustees aforesaid, or any Nine or more of them, are hereby authorized, impowered, and required to choose and appoint Nine Persons to be Receivers or Collectors of such Rates, Assessments, and Sums of Money, as shall be due and payable by virtue of this Act, from all Persons liable to pay the same; and the said Parishioners, in their Vestry assembled, are also hereby authorized, impowered, and required, on Thursday in Easter Week, in the Year of our Lord One thousand seven hundred and forty two, and also on the Thursday in Easter Week in every succeeding Year, to nominate Eighteen other like Inhabitants; and the said Trustees, or any Nine or more of them, shall choose and appoint Nine of them, and in Default of such Nomination, Nine other like Inhabitants, to be Receivers or Collectors of the same Rates, Assessments, and Sums of Money, for the Purposes contained in this Act; and all Persons, who by virtue of this Act are charged therewith, or liable thereto, are hereby required to pay the said Rates or Assessments unto such Receivers or Collectors accordingly, the said Receivers or Collectors giving Receipts for the same gratis.

on *Thursday* in every *Easter Week*.

Collectors to pay over the Money to Trustees.

VIII. And be it further enacted by the Authority aforesaid, That the said Collectors or Receivers, to be appointed as aforesaid, shall from time to time pay over all and every the Sum and Sums of Money by them respectively collected and received, to such Person or Persons as the said Trustees, or any Nine or more of them, shall by any Writing or Writings under their Hands and Seals authorize and impower to receive the same, to be applied according to the true Intent and Meaning of this Act, and not otherwise; and every such Collector or Receiver shall fairly enter in One or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money, which they and every of them shall have respectively received, collected, or paid, by virtue of this Act, or by virtue of any Power or Authority in pursuance thereof, or by Reason or Means of such their Office respectively, with the respective Times of their receiving and paying the same; and shall upon Oath, or solemn Affirmation being One of the People called Quakers, as often as required by the said Trustees, or any Nine or more of them, before One or more Justice or Justices of the Peace for the said City of London, or County of Middlesex, within their respective Jurisdictions (which Oath or Affirmation such Justice or Justices is and are hereby impowered and required to administer) give a true, exact, and perfect Account in Writing, under his or their Hand or Hands, of all Monies which he or they shall have collected, levied, received, or paid, by Reason of his or their said Office; for which Oath or Affirmation no Fee or Reward shall be taken, and the same may be taken in Writing, without any Stamp thereon.

Penalty on Collectors neglecting to account with the Trustees.

IX. And be it further enacted by the Authority aforesaid, That if any such Collectors or Receivers shall neglect or refuse to account for any Sum or Sums of Money, by them respectively collected or received, to the said Trustees, or any Nine or more of them, or to pay the same to such Person or Persons, as they, or any Nine or more of them shall by Writing under their Hands and Seals authorize and impower to receive the same; that then it shall and may be lawful to and for the said Justice or Justices of the Peace of and for the said City of London, or County of Middlesex respectively, to inquire of and concerning such Neglects, Refusals, Nonpayments, and Offences, as well by the Confession of the Parties themselves, as by the Oaths of One or more credible Witness or Witnesses (which Oaths the said Justices are hereby impowered and required to administer) and if any such Collectors or Receivers shall be convicted of any such Neglects, Refusals, Nonpayments, and Offences, before such Justice or Justices, that then such Justice or Justices shall and lawfully may upon such Conviction commit such Person or Persons to One of the Compters of the said City, or the common Gaol of the said County of Middlesex, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid; and in case any Person or Persons, who shall be so chosen or appointed a Collector or Collectors, Receiver or Receivers of the said Rates or Assessments directed to be raised and levied in pursuance of this Act, shall neglect or refuse to act in, or execute such Duty or Office, by the Space of Fourteen Days after such Appointment, and Notice thereof in Writing left at his or their usual Place of Abode, then every such Person so neglecting or refusing, shall forfeit and pay the Sum of Ten Pounds to the Trustees appointed by this Act, to be levied, recovered, and applied in such and the same Manner as the Rates or Assessments to be raised by virtue of this Act are herein before directed to be levied, recovered, and applied; and that upon every such Neglect or Refusal of any Person or Persons so to act in such Duty or Office as aforesaid, then and in such Case it shall and may be lawful to and for the said Trustees, or any Nine or more of them, and they are hereby authorized and required, to choose or appoint a new Collector or Receiver in the Place or Stead of every such Person or Persons so neglecting or refusing to act as aforesaid; and such new Collector or Receiver shall be subject and liable to such and the same Penalties and Forfeitures, as the Person in whose Place he shall be chosen was subject and liable to.

Penalty on Collectors refusing to act.

Trustees to choose other Collectors.

X. Provided

Collector to be excused the Office of Scavenger.

X. Provided always, That all and every Person and Persons, who shall have served the said Office of Collector or Receiver of the said Rates or Assessments herein directed to be raised and levied, during the Time for which he shall be thereto appointed by virtue of this Act, shall from thenceforth be totally exempted and discharged from serving the Office of Scavenger in or for the said Parish of Saint Botolph without Aldgate.

Trustees may borrow Money on Credit of this Act.

XI. And forasmuch as borrowing Monies upon the Credit of this Act will be the most speedy and effectual Method to accomplish the pious Purposes aforesaid; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons to contribute, advance, and pay into the Hands of the said Trustees, or any Nine or more of them, or such Person or Persons as they or any Nine or more of them shall by any Writing under their Hands and Seals authorize to receive the same, any Sum or Sums of Money, not exceeding in the whole the Sum of Six thousand Pounds, for the absolute Purchase of One or more Annuity or Annuities, to be paid and payable for the natural Life or Lives of such Contributor or Contributors respectively, or the natural Life or Lives of such other Person or Persons as shall be nominated by or on Behalf of such respective Contributor or Contributors, at the Time of Payment of their respective Contribution-monies, so as the Annuity or Annuities do not exceed the Sum of Eight Pounds Ten Shillings per Annum, for every One hundred Pounds; and so in Proportion for any greater or less Sum to be advanced and paid as aforesaid; all which said Annuity or Annuities so to be purchased as aforesaid, shall not exceed in the whole the Sum of Five hundred and Ten Pounds per Annum, and shall be payable and paid by the said Trustees, or any Nine or more of them, in the Vestry Room of the said Parish, to the Purchaser or Purchasers of the same, their Executors, Administrators, or Assigns, at such Times, and in such Proportions, as shall be agreed upon between the Purchaser or Purchasers, and the said Trustees.

Annuities of 8 *l.* 10 *s. per Cent.*

Books to be kept in the Vestry.

XII. And it is hereby further enacted by the Authority aforesaid, That there shall be provided by the said Trustees, and kept in the Vestry-room of the said Parish, a Book or Books, in which shall be fairly written, in Words at Length, the Names and Surnames, with the proper Additions, and Places of Abode, of all such Persons who shall be Purchasers of any of the Annuities aforesaid, and of all Persons by whose Hands the said Purchasers shall pay in any Sum or Sums of Money upon this Act, together with the Name or Names, and Places of Abode of such Person and Persons, for whose Life or Lives the said Annuity or Annuities shall be purchased, and also the Sum or Sums so paid for the Purchase of such Annuities, and the respective Days of Payment thereof; to which Book and Books it shall and may be lawful for the said respective Purchasers, their Executors, Administrators, and Assigns, and to and for any Person or Persons, who shall be liable to pay any Rates or Assessments to be made by Virtue of this Act, from time to time, at all seasonable times, to have recourse, and inspect the same, without Fee or Reward.

How Annuities shall be paid.

XIII. And be it further enacted by the Authority aforesaid, That all and every the Annuity or Annuities so to be purchased under and by Virtue of this Act, shall be, and are hereby charged upon, and shall be paid and payable from time to time out of the Monies arising by the said Rates or Assessments herein mentioned; and all and every Contributor and Contributors upon the Credit of this Act, duly paying the Consideration or Purchase-money for any such Annuity or Annuities as aforesaid, or such Person or Persons as he, she, or they shall appoint, his, her, or their respective Executors, Administrators, or Assigns, shall have, receive, and enjoy, and be intitled by Virtue of this Act to have, receive, and enjoy the respective Annuity or Annuities, so to be purchased out of the said Rates or Assessments by this Act appropriated or appointed for the Payment thereof, during the Term of the natural Life of the Person to be nominated by each and every such Purchaser or Contributor, as above mentioned; and that all and every such Purchaser and Purchasers, and their Executors, Administrators, and Assigns respectively, shall have good, sure, absolute, indefeasible Estates and Interests in the Annuities so by them respectively purchased, or to be purchased, according to the Tenor and true Meaning of this Act; and that none of the said Annuities shall be subject or liable to any Taxes laid or to be laid by the Authority of Parliament, or otherwise howsoever.

Purchasers of Annuities to have Receipts,

and Orders on Parchment.

XIV. And be it further enacted by the Authority aforesaid, That every Contributor upon this Act, for the Purchase of any such Annuity or Annuities as aforesaid, his, her, or their Assigns, upon Payment of the Consideration or Purchase-money for the same, or any Part or Proportion thereof, into the Hands of the said Trustees, or any Nine or more of them, or to such Person or Persons as they or any Nine or more of them shall for that Purpose appoint, shall have One or more Receipt or Receipts, importing the Receipt of so much Purchase-money as shall be so paid; and upon Payment of all the Purchase-money for any such Annuity or Annuities, every such Contributor or Contributors, his, her, or their Assigns respectively shall have an Order in Parchment or Vellum for Payment of the said Annuity or Annuities, for and during the natural Life of such Person as shall be nominated therein as aforesaid; which Order shall be signed by the said Trustees, or any Nine or more of them; and after signing thereof, the same shall by the Authority of this Act be firm, good, valid, and effectual in Law, according to the Purport and true Meaning thereof.

Annuities may be assigned over.

XV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any time or times, by Writing under his, her, or their Hands and Seals, to assign such Annuity or Annuities, or any Part thereof, or Interest therein, to any Person or Persons whatsoever, when and as often as Need or Occasion shall be or require; and a Memorandum or Entry of all such Assignments shall be made in a Book, which is hereby required

quired to be kept by such Person or Persons as the said Trustees or any Nine or more of them shall appoint for that Purpose, at the Charge of the said Trustees, in the Vestry-room belonging to the said Parish, which Entry or Memorandum shall be made gratis.

Assessments to pay the Annuities.

XVI. And be it further enacted by the Authority aforesaid, That the several Rates or Assessments herein directed to be collected and paid, shall be charged and chargeable with and for the Payment of the said Annuities, and all Arrears thereof, from time to time; and shall upon every Default of Payment of the said Annuities, within the Space of Forty Days, next after any of the times when the same shall be made payable, vest in the Annuitants, until the same shall be fully paid and satisfied, together with Interest and Costs and Charges occasioned by the Non-payment of the same; and that the said Annuitants, in case the said Annuities shall be in Arrear and unpaid for the Space of Forty Days as aforesaid, and until full Payment thereof with Interest and Charges as aforesaid, shall have the same Power, Rights, and Privileges of assessing, collecting, distraining, and levying the said Rates or Assessments, payable by Virtue of this Act, as the said Trustees, their Collectors or Receivers, or any of them, could have had, in case the said Annuities had been regularly and fully paid and satisfied.

Trustees to choose others.

XVII. And for Continuance of a sufficient Number of fit and able Persons to be Trustees for putting this Act in Execution; be it further enacted by the Authority aforesaid, That from time to time, and at all Times hereafter, during the Continuance of this Act, as the Number of Trustees appointed by this Act, or hereafter to be elected in pursuance thereof, shall be reduced to Forty, it shall and may be lawful to and for the surviving and remaining Trustees, or any Fifteen or more of them, by any Writing or Writings under their Hands and Seals, upon Thursday in Easter Week, as often as Occasion shall be or require, in the publick Vestry of the said Parish, to nominate, elect, and appoint other fit and able Person or Persons, either Landlord or Tenant, to be Trustees with them; and such Person or Persons as shall from time to time be so nominated, elected, and appointed a Trustee or Trustees as aforesaid, shall and may, and is and are hereby impowered to act to all Intents and Purposes, as fully and amply as any Trustee or Trustees is and are by this Act impowered to do.

Trustees not to be interested in the Building.

XVIII. Provided always, That if any Person chosen or appointed a Trustee for the Purposes of this Act shall undertake any Part of the Building of the said new intended Church or Steeple, or have any Share or Interest in any Contract relating thereto, every such Person shall from thenceforth be utterly disabled and disqualified from acting in the said Trust; and that no Trustee or Trustees herein before named, or hereafter to be appointed as aforesaid, other than those intitled to be Trustees by virtue of their Office or Stations as aforesaid, shall act in the Execution thereof, but during such Time as they shall respectively pay, or be liable to pay, either as Landlord or Tenant, for Twenty Pounds a Year Rent towards the Rates or Assessments aforesaid.

Continuance of the Rates.

XIX. And be it further enacted by the Authority aforesaid, That the several Rates or Assessments hereby directed and appointed to be raised and levied as aforesaid, shall take Place and have Continuance from the said First Day of May, One thousand seven hundred and forty one, for and during such Time only, as any of the Annuities to be granted pursuant to this Act as aforesaid shall have Continuance, and when and as often as there shall be Occasion or Necessity to raise the same, and no longer, and not otherwise; and from and after the Determination of all the said Annuities such Rates and Assessments shall cease and determine; any Statute, Law, Usage or Custom, or any thing herein contained to the contrary notwithstanding.

Trustees may sell the Materials of the Church,

XX. And it is hereby further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, shall have full Power and Authority, and they are hereby authorized and impowered, or such Person or Persons as they or any Nine or more of them shall from time to time for that Purpose appoint, to sell and dispose of all or any of the Materials of the said Church and Steeple (if they shall so think fit) to such Person or Persons as shall be willing to purchase the same; and the Money arising by such Sale shall be applied to the Purposes of this Act, and to no other Purpose whatsoever.

and erect a Tabernacle for Divine Service, &c.

XXI. Provided also, and be it further enacted by the Authority aforesaid, That the said Trustees, or any Nine or more of them, are hereby impowered and required by and out of the Monies intended to be raised by virtue of this Act, to erect or purchase a Tabernacle, or otherwise provide some decent and convenient Place for the Service and Worship of God, during the rebuilding of the said Church; and also when the new intended Church shall be built and finished, to take down such Tabernacle, and if Occasion be, to sell and dispose of the Materials thereof, and apply the Money arising by such Sale or Disposal for the Purposes of this Act; and that such Tabernacle so to be erected, or Place to be provided, shall in the mean time, and until the said Church shall be rebuilt, and Divine Service performed therein, be deemed and reputed to be a Parish Church.

Receipts, Payments, &c. to be registered in Books,

XXII. And be it further enacted by the Authority aforesaid, That the said Trustees shall take care to have all the Receipts, Payments, Debts, Credits, and Contracts, made with or by the Artificers and Workmen employed, or to be employed, in or about the rebuilding of the said Church or Steeple, and Premisses, or any way relating thereto, and all other their Proceedings, to be fairly entered and written in One or more Book or Books to be kept for that Purpose; and by or out of the Monies arising from all or any of the Rates or Assessments to be made or levied as aforesaid, or by or out of any other Sum or Sums of Money which shall come to their or any of their Hands, or to the Hands of any Receiver or Receivers to be by them appointed, shall pay and satisfy, or cause to be paid and satisfied, unto the Artificers and Workmen to be employed in and about the rebuilding of the said Church and Steeple

and

and Premiſſes, all Sums of Money which ſhall be juſtly due to them or any of them for the ſame.

to be kept for publick Inſpection.

XXIII. And it is hereby further enacted and declared by the Authority aforeſaid, That all Books of Accounts concerning Receipts, Payments, Credits, and Contracts, ſhall from time to time, and at all convenient Times, be open to the Inſpection and Peruſal of any Perſon or Perſons, who ſhall pay any Rates or Aſſeſſments by Virtue of this Act.

Truſtees to defray their own Charges.

XXIV. And be it further enacted by the Authority aforeſaid, That the Truſtees appointed, or to be appointed, for the Purpoſes mentioned in this Act, ſhall at all their Meetings defray their own Charges and Expences, and ſhall give ſuch publick previous Notice of their ſeveral Meetings, as ſhall from time to time be by them or any Nine or more of them agreed upon.

Property in Graves, &c. not to be altered.

XXV. Provided always, That this Act ſhall not extend to take away the Graves, Grave-ſtones, Monuments, or Vaults, being the particular Property of any Perſon or Perſons now living, or which belong to the Families of any Perſon or Perſons buried in or under the ſaid Church, and made or provided for the Interment of him, her, or themſelves, Families, and Deſcendants; but the ſame Graves, Grave-ſtones, Monuments, and Vaults, in or under the ſaid Church when rebuilt, ſhall be preſerved or provided for, and belong to the ſaid ſeveral Perſons, his, her, and their Deſcendants, in the ſame, and in the like Manner, as the ſaid Graves, Grave-ſtones, Monuments, and Vaults, were before the paſſing of this Act.

Clauſe relating to Articles in an Indenture.

XXVI. Provided always, and it is hereby further enacted and declared by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, either to alter, enlarge, abridge, or diminiſh all or any, or either of the Articles, Agreements, Clauſes, Proviſoes, or Covenants, comprized or mentioned in one Indenture of Demiſe or Leaſe, bearing Date the Twenty third Day of December, One thouſand ſeven hundred and ſix, and made, or mentioned to be made, between Patrick Lamb, of Stoke Poges in the County of Bucks, Eſquire; Samuel Brewſter the elder, of Clement's Inn in the County of Middleſex, Gentleman; Spring Wincoll of Langham Valley in the County of Eſſex, Gentleman; and Samuel Brewſter the younger of Lincoln's Inn, in the County of Middleſex, Eſquire (the then Impropriator or Owner of the Rectory Impropriate of Saint Botolph without Aldgate, London) and Sarah his Wife, of the one Part; and Andrew Dolby, James Creech, John Grinſell, and Edward Gear, the then Church-wardens of the ſaid Pariſh of Saint Botolph without Aldgate, London, of the other Part; but that the ſame Indenture, and all and every of the Articles, Agreements, Clauſes, Proviſoes, and Covenants therein contained, ſhall be and remain in the ſame Force, and have the ſame Conſtruction in all Courts of Law and Equity, as before the making and paſſing of this Act; any thing in this Act contained to the contrary thereof in any wiſe notwithſtanding.

Limitation of Actions.

XXVII. And be it further enacted by the Authority aforeſaid, That if any Suit or Action ſhall be commenced or proſecuted againſt any Perſon or Perſons, for any thing done or to be done, in purſuance of this Act, every ſuch Suit or Action ſhall be commenced within Three Months next after the Fact committed, and not afterwards, and ſhall be brought and tried in the City of London, and not elſewhere; and the Defendant or

General Iſſue.

Defendants in ſuch Suit or Action ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to be ſo done, that then the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or

Treble Coſts.

Plaintiffs; the Defendant or Defendants ſhall or may recover Treble Coſts, and have the like Remedy for the ſame, as any Defendant or Defendants hath or have for Coſts in other Caſes by Law.

Publick Act.

XXVIII. And it is hereby further enacted and declared, That this Act ſhall be deemed, and taken to be a Publick Act, and all Judges, Juſtices, and other Perſons, are to take Notice thereof as ſuch, in all Courts and Places whatſoever, without ſpecially pleading the ſame.

CAP. XXVIII.

An Act for repairing the Roads from *Doncaſter* through *Ferry-bridge*, to the South Side of *Tadcaſter Croſs*; and alſo from *Ferry-bridge* to *Weatherby*, and from thence to *Borough-bridge* in the County of *York*.

Preamble.

WHEREAS the ſeveral Roads, leading from the Town of *Doncaſter* through *Ferry-bridge* to *Tadcaſter*, in the Weſt Riding of the County of *York*; and from *Ferry-bridge* to *Weatherby*, and from thence to *Borough-bridge*, in the ſaid Weſt Riding of the ſaid County, by reaſon of the many heavy Carriages frequently paſſing through the ſame are become ſo very ruinous and bad, eſpecially in the Winter Seaſon, that Travellers cannot paſs without great Danger; and the ſaid Roads cannot, by the ordinary Courſe provided by the Laws for repairing the Highways of this Kingdom be effectually amended and kept in good Repair, unleſs ſome further Proviſion be made for raiſing Money to be applied for that Purpoſe, *&c.*

Certain Tolls are granted from 1 May 1741, *for* 21 *Years, and to the End of the next Seſſion of Parliament.*

CAP. XXIX.

An Act for enlarging the Term and Powers granted by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road from* Horſley Upright

Upright Gate, *leading down* Bowden Hill *in the County of* Wilts, *to the Top of* Kingſdown Hill *in the Pariſh of* Box *in the ſaid County.*

WHEREAS by an Act paſſed in the Twelfth Year of the Reign of His late Majeſty King *George* the Firſt, intituled, *An Act for repairing and widening the Road from* Horſley Upright Gate, *leading down* Bowden Hill *in the County of* Wilts, *to the Top of* Kingſdown Hill *in the Pariſh of* Box *in the ſaid County*, ſeveral Tolls, Duties, and Powers were granted and given for repairing and widening the ſaid Road, from the Firſt Day of *June*, One thouſand ſeven hundred and twenty ſeven, for and during the Term of Twenty one Years: And whereas the Truſtees impowered to put the ſaid Act in Execution did upon the Credit thereof borrow a conſiderable Sum of Money, in order to amend and widen the ſaid Road, ſo as to make the ſame paſſable; which Money ſo borrowed, and the Tolls collected by Virtue of the ſaid Act, have been duly laid out according to the Directions thereof, whereby good Progreſs hath been made in the Repairs of the ſaid Road; notwithſtanding which, ſome Parts of the ſaid Road are in the Winter Seaſon in a ruinous Condition, *&c.* Preamble reciting the Act 12 *Geo.* I. *c.* 11.

The Act is further continued for 21 *Years.*

CAP. XXX.

An Act for appointing new Commiſſioners and Truſtees for putting in Execution an Act paſſed in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for veſting the Eſtate and Effects of* John Coggs, *and* John Dann, *Goldſmiths and Copartners in Truſtees, for the ſpeedier Payment of their Creditors, and for determining Differences thereupon.*

WHEREAS by an Act of Parliament made and paſſed in the Eighth Year of the Reign of her late Majeſty Queen *Anne*, intituled, *An Act for veſting the Eſtate and Effects of* John Coggs *and* John Dann, *Goldſmiths and Copartners, in Truſtees, for the ſpeedier Payment of their Creditors, and for determining Differences thereupon*; all and all manner of Eſtates, whether Freehold or Copyhold, Fee-ſimple, in Tail, or for Life, Lives, or Years, of what Nature or Kind ſoever, or whereſoever; and all, every, and all manner of Caſh, Money, Plate, Jewels, Pictures, Limnings, Goods, Chattels, Annuities, Tallies, Orders, Debts, Rights, Titles, Stocks and Shares in Companies, Credits, Bonds, Bills, Notes, Securities, Books of Accounts, Books of Entry, Caſh-books, Deeds, Writings, Evidences, and other Books and Papers whatſoever, which the ſaid *John Coggs*, and *John Dann*, or either of them, or any Perſon or Perſons in Truſt or for the Uſe or Benefit of them or either of them, was, were, or ſhould be any wiſe ſeized or poſſeſſed of, intereſted in, or intitled unto, whether in Law or Equity, on the Twelfth Day of *January*, One thouſand ſeven hundred and nine, or at any Time or Times afterwards; as alſo all and all Manner of preſent and future Profits and Advantages of, from, or by every or any Offices, Places, or Preferments thentofore or thereafter purchaſed, acquired, or had, or to be purchaſed, acquired, or had, by, in Truſt for, or with the Money or other Effects of the ſaid *John Coggs*, and *John Dann*, or either of them, whether jointly with any other Perſon or Perſons, or ſeparately, were transferred to, and veſted in, the Lord Viſcount *Lanesborough* of the Kingdom of *Ireland*, *Henry* Earl of *Shelburne* of the Kingdom of *Ireland*, *Henry Pagett* Eſquire, now Earl of *Uxbridge*, Sir *James How* Baronet, *Hatton Compton* Eſquire, *Frederick Tylney* Eſquire, *Robert Heyſham* Eſquire, *William Draper* Eſquire, *William Eaſt* Eſquire, *Peter Walter* Gentleman, and *Joſeph Sherwood* Gentleman, their Heirs, Executors, and Adminiſtrators reſpectively, according to the ſeveral and reſpective Eſtates and Intereſts therein, in Truſt (after Deductions of the neceſſary Charges of paſſing the ſaid Act, and in the Defence and Execution thereof) in the firſt Place, for the Benefit of all and every the Creditors of the ſaid *John Coggs*, and *John Dann*, and the reſpective Executors and Adminiſtrators of ſuch Creditors, and every of them, in Proportion to the ſeveral and reſpective Debts juſtly and truly due and owing to them from the ſaid *John Coggs* and *John Dann*, upon the ſaid Twelfth Day of *January*, One thouſand ſeven hundred and nine, until all and every of the ſaid Creditors, or their reſpective Executors or Adminiſtrators, ſhould be fully ſatisfied and paid the full Sum of Twenty Shillings in the Pound, for all ſuch Debts as were then really, juſtly, and truly due and owing to them, or any of them reſpectively, with the growing Intereſt thereof (if any) which ſhould be allowed by the Commiſſioners therein after named, upon or before the Twenty fifth Day of *December*, One thouſand ſeven hundred and ten, to be fully proved; and afterwards in Truſt for the ſaid *John Coggs*, and *John Dann*, their Heirs, Executors, and Adminiſtrators, or as they ſhould appoint, or in ſuch Manner, Shares, Parts, and Proportions, as the ſame would have been, in caſe the ſaid Act had not been made, or the ſaid *John Coggs*, and *John Dann*, had not failed; and the ſaid Truſtees, and the Survivors of them, and the major Part of them, and of ſuch Survivors and the Heirs, Executors, and Adminiſtrators of ſuch Survivor, were thereby authorized and impowered from and after the Twenty fifth Day of *March*, One thouſand ſeven hundred and ten, to take, receive, get in, ſell, convey, aſſign, transfer, order, and diſpoſe of all, every, and any of the ſaid Eſtates, Rights, Credits, and Effects, and every or any Part or Parts thereof, and as well to commence, ſue, or proſecute, as alſo defend, in the Name or Names of the ſaid Truſtees, or the Survivors or Survivor of them, or the Heirs, Executors, or Adminiſtrators of ſuch Survivor, all, every, and any ſuch Action, Actions, Suit and Suits whatſoever and howſoever, either in Law or Equity, for, touching, or concerning the ſame, or any of them, or any Part or Parts thereof, as he, they, or any of them reſpectively ſhould think fit; and by the ſame Act, Sir *John Bennett* Knight, *John Birch* Eſquire, and *Richard Richardſon* Eſquire, Serjeants at Law; *William Jeſſop*, *Duncan Dee*, *James Medlicott*, *Craven Peyton*, *Thomas Morley*, *John Darnall*, *Thomas Pengelly*, *Robert Monkton*, *Henry Champion*, and *John Baynes*, Eſquires; and *Lewis Loyd* Gentleman, and the Survivors of them, were conſtituted and appointed Commiſſioners; and it was enacted, That they, and the Survivors of them, or any Three or more of them, ſhould have the like and as full and effectual Right, Power, and Authority in all Things and Reſpects, and to all Intents and Purpoſes, as Commiſſioners named in any Commiſſion or Commiſſions under the Great Seal of *Great Britain*, grounded on the ſeveral Acts made againſt Bankrupts, and awarded againſt the ſaid *John Coggs*, and *John Dann*, or either of them, might or could have, in caſe the ſaid *John Coggs*, and *John Dann*, had on the ſaid Twelfth Day of *January* been actually Bankrupts; and it was thereby enacted, That if any Perſon or Perſons, who were or ſhould be Debtor or Debtors, or accountable to the ſaid *John Coggs*, and *John Dann*, or either of them, or to the ſaid Truſtees, by virtue of the ſaid Act, ſhould ſubmit to the Award, Judgement, or Determinations of the Commiſſioners, and the ſaid Truſtees, or the greater Number of them, ſhould conſent thereto, then the ſaid Commiſſioners, or the Survivors of them, or the greater Number of them, or of the Sur- Preamble, reciting the Act 8 *Ann.* not printed.

vivors of them, ſhould and might, and they were thereby authorized and impowered, to proceed thereupon, and in a ſummary Way to call before them the ſame Party or Parties; and upon ſuch Enquiry, Examination, and Evidence, as in and by the ſaid Act is directed and preſcribed, to make their Award, Judgement, Order, and Determination thereupon, which ſhould be final and concluſive to all Perſons whatſoever; and it was thereby further enacted, That where it ſhould appear to the Commiſſioners, or the Survivors of them, or Two Parts in Three of them, or of ſuch Survivors, that any Part of the Effects of the ſaid *John Coggs*, and *John Dann*, or either of them, in the Hands of, or owing, or accountable for by any Perſon or Perſons, could not be wholly recovered, or they ſhould think it fit for the Creditors that the ſame ſhould be compounded or agreed, then and in ſuch Caſe the ſaid Commiſſioners, or the Survivors of them, or Two Parts in Three of them, or of the Survivors of them, were thereby authorized and impowered, by and with the Conſent of the ſaid Truſtees, or of the Survivors of them, or of Two Parts in Three of them, or of the Survivors of them, to compound and agree the ſame; and thereupon the ſaid Truſtees, or the Survivors of them, or any Three or more of them, or of ſuch Survivors, were thereby required to give ſuch Releaſe or Releaſes, or other Diſcharge or Diſcharges, to the Party or Parties reſpectively ſo compounding or agreeing, as the ſaid Commiſſioners, or the Survivors of them, or Two Parts in Three of them, or of ſuch Survivors, ſhould think fit, and which ſhould be good and effectual in the Law, according to the Purport, true Intent and Meaning thereof; and divers other Powers and Authorities were by the ſaid Act veſted in the ſaid Commiſſioners and Truſtees, for the diſcovering, recovering, applying, and diſtributing the Eſtates and Effects of the ſaid *John Coggs*, and *John Dann*, in ſuch Manner as is therein mentioned: And whereas Part of the Eſtates and Effects of the ſaid *John Coggs*, and *John Dann*, hath been got in, recovered, and applied by the ſaid Truſtees and Commiſſioners, in purſuance, and under the Authority of the ſaid Act of Parliament; but a conſiderable Part thereof is ſtill ſtanding out and unrecovered, and a great Part of the Debts due to the ſeveral Creditors of the ſaid *John Coggs*, and *John Dann*, ſtill remains unſatisfied: And whereas all the acting Truſtees appointed by the ſaid Act of Parliament, except One of them, are dead; and all the Commiſſioners named in the ſaid Act, are likewiſe dead; and for want of a competent Number or Quorum of Commiſſioners and Truſtees to act in the Premiſſes, no Action can be maintained againſt, nor any Money received from, nor any Compoſitions made with any Perſons indebted to the Eſtate of the ſaid *John Coggs*, and *John Dann*; and a great many of the Powers and Authorities veſted and eſtabliſhed by the ſaid Act of Parliament for the Purpoſes therein mentioned cannot by the Terms and Tenor of the ſame Act be purſued, exerciſed, or put in Execution, ſo that the Creditors of the ſaid *John Coggs*, and *John Dann*, muſt, under the preſent Circumſtances, be defeated of their juſt Debts, and can have no Relief, but by the Aid, Interpoſition, and Authority of the Legiſlature, *&c.*

CAP. XXXI.

An Act for repairing the Road from *Doncaſter* (through the Pariſh of *Peniſton*) in the County of *York*, to *Salter's Brook* in the County of *Cheſter*; and alſo the Road from *Rotherham* in the ſaid County of *York*, to *Hartcliffe Hill* in the ſaid Pariſh of *Peniſton*.

Preamble reciting the Act 5 *Geo.* II. *c.* 10.

WHEREAS the Roads leading from *Doncaſter* and *Rotherham* in the County of *York*, to *Mancheſter* in the County Palatine of *Lancaſter*, are publick Highways, and very convenient for conveying of Goods from the Eaſtern to the Weſtern Seas; and Part thereof has (in purſuance of an Act of Parliament made in the Fifth Year of His preſent Majeſty's Reign, intituled, *An Act for repairing and amending the Road leading from the Town of* Mancheſter *in the County Palatine of* Lancaſter, *through the Town of* Aſhton under Line, *and the Pariſh of* Mottram Longdendale, *and from thence to* Salter's Brook *in the County Palatine of* Cheſter) been very well repaired; but the other Parts of the ſaid Roads from *Doncaſter* to *Salter's Brook* aforeſaid, containing by Computation Twenty two Miles; and from *Rotherham* aforeſaid, to *Hartcliffe Hill* in the Pariſh of *Peniſton* in the ſaid County of *York*, containing by Computation Ten Miles, have for ſeveral Years laſt paſt been very bad, and are now dangerous to Paſſengers travelling with Coaches, Carriages, and Horſes, through the ſame: And whereas that Part of the ſaid Road leading from *Doncaſter* to *Salter's Brook* aforeſaid, which lies between the Townſhip of *Peniſton* and *Salter's Brook*, containing Six Miles, and ſo much of the ſaid Road leading from *Rotherham* to *Hartcliffe Hill* aforeſaid, as lies between a Town called *Hunſhelf*, and *Hartcliffe Hill*, being Moor, and open Heath Ground, belongs to few Inhabitants, who are obliged by Law to repair the ſame; and the other Parts of the ſaid Roads from the Townſhip of *Peniſton* to *Doncaſter*, and from *Hunſhelf* to *Rotherham* aforeſaid, are in the Winter Seaſon very ruinous and bad, by reaſon many heavy Carriages paſs through the ſame: And whereas the ſeveral Roads aforeſaid cannot by the ordinary Courſe appointed by the Laws and Statutes of this Realm for repairing the Highways of this Kingdom be effectually amended and kept in good Repair, unleſs ſome other Proviſion be made for that Purpoſe, *&c.*

Certain Tolls are granted from 12 May, 1741, *for* 21 *Years.*

CAP. XXXII.

An Act for repairing and enlarging the Roads from the Town of *Selby*, in the Weſt Riding of the County of *York*, to the Town of *Leeds*; and from thence (in two ſeveral Branches, one through *Bradford* and *Horton*, and the other through *Bowling* and *Wibſey*) to the Town of *Halifax*, in the ſame Riding.

Preamble.

WHEREAS the Highways or Roads leading from *Selby*, in the Weſt Riding of the County of *York*, to the Town of *Leeds*, and from thence (in two ſeveral Branches, one through the Towns of *Bradford* and *Little Horton*, and the other over *Cutler Height* through *Bowling* and *Wibſey* reſpectively) unto the Town of *Halifax*, in the ſame Riding, being ſituate in a trading and populous Part of the County of *York*, and much uſed and frequented for the Carriage and Conveyance of Wooll, Woollen Manufactures, Dying Ware, Corn, Malt, Fruit, and other Commodities, made and conſumed in that Country, are from the Nature of the Soil, and the Narrowneſs thereof in ſeveral Places, and by reaſon of many heavy Carriages frequently paſſing through the ſame, become ſo deep and ruinous, that in the Winter and rainy Seaſons many Parts thereof are impaſſable for Waggons, Carts, and other Wheel-carriages, and very dangerous for Travellers; and as the ſame cannot by the ordinary Courſe and Method appointed by the Laws and Statutes of this Realm now in Being be effectually mended and kept in good Repair, *&c.*

Certain Tolls are granted from 12 May, 1741, *for* 21 *Years.*

CAP. XXXIII.

An Act to ſupply ſome Defects in the Laws for repairing and rebuilding County Bridges, for repairing, enlarging, erecting, and providing Houſes of Correction, and for paſſing Rogues and Vagabonds.

Preamble, reciting the Act 13 Geo. II. c. 24.

WHEREAS it does and may happen, that when County Bridges are to be rebuilt or repaired, a Piece or Parcel of Ground thereto adjoining may be of great Uſe or Service, either for enlarging ſuch Bridges, or more commodiouſly rebuilding them: And whereas there is no Power given by the Laws in Being for the rebuilding or repairing of County Bridges to the Juſtices of the Peace, to purchaſe any ſuch Pieces or Parcels of Ground: And whereas by an Act made in the Thirteenth Year of the Reign of His preſent Majeſty, intituled, *An Act for the amending and enforcing the Laws relating to Rogues, Vagabonds, and other idle and diſorderly Perſons, and for reducing the ſame into one Act of Parliament; and alſo for amending the Laws for erecting, providing, and regulating Houſes of Correction*; it is (amongſt other things) enacted, That upon the Preſentment of the Grand Jury at the Aſſizes, Great Seſſion, or General Gaol Delivery, held for any County or Liberty, that there is no Houſe of Correction, and that it will be neceſſary to provide One or more Houſe or Houſes of Correction in ſuch County or Liberty, or that the Houſe or Houſes of Correction in any ſuch County or Liberty is or are not ſufficient, and want to be enlarged; the Juſtices of the Peace at their General or Quarter Seſſions ſhall have Power to build, erect, or enlarge One or more fit or convenient Houſe or Houſes of Correction, or to purchaſe One or more convenient Houſe or Houſes for that Purpoſe, or to purchaſe Land to erect ſuch Houſe or Houſes of Correction upon, and to make a convenient Backſide or Backſides, Outlet or Outlets thereto: And whereas in ſome Counties and Liberties, where it is neceſſary to have a Houſe or Houſes of Correction, there is or may be no Aſſize, Great Seſſion, or General Gaol Delivery, and in Conſequence there can be no Preſentment of ſuch Grand Jury, ſo that in ſuch Caſes the ſaid Act is rendered ineffectual: **Therefore for the better repairing and rebuilding County Bridges, and for ſupplying the Defects of the ſaid recited Act, ſo far as the ſame relates to the repairing, enlarging, building, and providing Houſes of Correction, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of** June, **One thouſand ſeven hundred and forty one, the Juſtices of the Peace of any County, City, Riding, Liberty, or Diviſion, at their General Seſſions, or General Quarter Seſſions aſſembled, or the major Part of them, ſhall have Power, and are hereby authorized, to purchaſe of, or agree or contract with, any Perſon or Perſons, Bodies Politick or Corporate for any Piece or Parcel of Land adjoining or near to any County Bridge within the Limits of their reſpective Commiſſions, for the more commodious enlarging or convenient rebuilding the ſame; which Pieces or Parcels of Land ſhall not exceed One Acre in the whole for any ſuch Bridge, and ſhall from time to time be paid for by the reſpective County Treaſurers out of any Monies raiſed or to be raiſed by virtue of an Act made in the Twelfth Year of the Reign of His preſent Majeſty, intituled,** An Act for the more eaſy aſſeſſing, collecting, and levying of County Rates; **ſuch Treaſurers being thereunto authorized, by Orders under the Hands and Seals of the reſpective Juſtices of the Peace at their General Seſſions, or General Quarter Seſſions, or the major Part of them; which Lands ſo purchaſed, ſhall be conveyed to ſuch Perſon or Perſons as the ſaid Juſtices of the Peace at their General Seſſions, or General Quarter Seſſions, or the major Part of them ſhall reſpectively appoint, in Truſt, and for the Uſes and Purpoſes of enlarging or rebuilding ſuch Bridges reſpectively.**

Juſtices at their Quarter Seſſions may purchaſe Lands to build County Bridges,

and have Power to enlarge Houſes of Correction.

II. **And be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and forty one, the Juſtices of the Peace of any County, City, Riding, Liberty, or Diviſion, at their General Seſſions, or General Quarter Seſſions aſſembled, or the major Part of them, where there ſhall be no Aſſizes, Great Seſſion, or General Gaol Delivery held, upon the Preſentment of the Grand Jury to ſuch Juſtices at their General Seſſions, or General Quarter Seſſions, ſhall have as full Power and Authority to repair or enlarge any Houſe or Houſes of Correction already built, or to purchaſe any Houſe or Houſes for a Houſe or Houſes of Correction, or to build or erect any Houſe or Houſes of Correction, or to purchaſe Land to erect ſuch Houſe or Houſes of Correction upon, and to make a convenient Backſide or Backſides, Outlet or Outlets thereto, as if ſuch Preſentment had been made at the Aſſizes, Great Seſſion, or General Gaol Delivery, in ſuch Manner as is directed, and by the ſame Ways and Means as are provided, in and by the ſaid recited Act made in the Thirteenth Year of the Reign of His preſent Majeſty; any thing in the ſaid Act contained to the contrary thereof in any wiſe notwithſtanding.**

III. And whereas it is enacted in and by the ſaid Act, made in the Thirteenth Year of the Reign of His preſent Majeſty, That the Juſtice or Juſtices of the Peace, who ſhall make any Paſs for conveying any Rogue, Vagabond, or incorrigible Rogue, ſhall at the ſame Time cauſe to be delivered to the Conſtable a Certificate, aſcertaining the Manner of conveying ſuch Rogue, Vagabond, or incorrigible Rogue; and that when the Place to which the Perſon or Perſons apprehended are to be ſent, lies remote, and there be One or more Counties, Ridings, or Diviſions intervening, the Conſtable or other Officer, to whom ſuch Paſs and Certificate ſhall be given, ſhall forthwith cauſe the Perſon or Perſons therein named to be conveyed to the next Houſe of Correction in the ſame County, Riding, or Diviſion, where he or they ſhall dwell: And whereas it has been ſometimes found inconvenient, and has created an extraordinary Expence, to ſend the Perſon or Perſons apprehended, who was or were to be immediately paſſed to ſome diſtant County, Riding, or Diviſion, by ſuch Juſtice or Juſtices, to the Houſe of Correction in the ſame County, Riding, or Diviſion, where he or they dwell, ſuch Houſe of Correction often lying out of the direct Way to the Place where ſuch Perſon or Perſons was or were to be paſſed; **for Remedy whereof be it further enacted by the Authority aforeſaid, That from and after the ſaid Twenty fourth Day of** June, **One thouſand ſeven hundred and forty one, it ſhall and may be lawful for any Juſtice or Juſtices of the Peace, to ſend any Perſon or Perſons who ſhall be apprehended as a Rogue, Vagabond, or incorrigible Rogue, to the Houſe of Correction in the County, Riding, or Diviſion, where he or they dwell, or to any other Houſe of Correction in the ſame County, Riding,**

Juſtices of the Peace may ſend Vagabonds to the moſt convenient Houſe of Correction, &c.

ing, or Diviſion, as ſhall be moſt convenient for the paſſing ſuch Perſon or Perſons; any thing in the ſaid Act contained to the contrary thereof in any wiſe notwithſtanding.

CAP. XXXIV.

An Act to continue an Act for Relief of Debtors, with reſpect to the Impriſonment of their Perſons, and Two ſubſequent Acts for explaining and amending the ſame; and alſo to continue an Act for the free Importation of Cochineal and Indico.

Preamble.

WHEREAS the Laws herein after mentioned are found to be uſeful and beneficial to the Publick, and are ſo near expiring, that it is fit they ſhould now be continued; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That an Act made in the Second Year of the Reign of His preſent Majeſty, intituled, An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons; which Act was to continue in Force for Five Years, and from thence to the End of the then next Seſſion of Parliament, and no longer; and alſo an Act made in the Third Year of the Reign of His preſent Majeſty, intituled, An Act for explaining and amending an Act made in the laſt Seſſion of Parliament, intituled, *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons*; and alſo an Act made in the Eighth Year of the Reign of His preſent Majeſty, intituled, An Act to explain and amend an Act paſſed in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act for the Relief of Debtors with reſpect to the Impriſonment of their Perſons*; which ſaid Acts were to continue in Force until the Twenty fifth Day of March, One thouſand ſeven hundred and forty, and from thence to the End of the then next Seſſion of Parliament, and no longer; ſhall, with the ſeveral Articles and Clauſes therein contained (except the Clauſe in the ſaid laſt mentioned Act for ſetting mutual Debts one againſt the other, which by the ſaid Act is made perpetual) be and are hereby further continued from the Expiration thereof, until the Firſt Day of June, One thouſand ſeven hundred and forty ſeven, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Act 2 *Geo.* II. *c.* 22.

3 *Geo.* II. *c.* 27.

and 8 *Geo.* II. *c.* 24. *for Relief of Debtors,*

continued for 7 Years longer.

II. And be it further enacted by the Authority aforeſaid, That an Act made in the Seventh Year of the Reign of His preſent Majeſty, intituled, An Act for the Revival of an Act made in the Thirteenth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for the free Importation of Cochineal during the Time therein limited, and alſo for the free Importation of Indico*, which was to continue in Force from the Twenty fourth Day of June, One thouſand ſeven hundred and thirty four, for the Term of Seven Years, and from thence to the End of the then next Seſſion of Parliament, and no longer, ſhall be and is hereby further continued from the Expiration thereof, until the Firſt Day of June, One thouſand ſeven hundred and forty ſeven, and from thence to the End of the then next Seſſion of Parliament, and no longer.

Act 7 *Geo.* II. *c.* 18 *for importing Cochineal,*

continued for 7 Years longer.

CAP. XXXV.

An Act for continuing an Act paſſed in the Seventh Year of the Reign of His preſent Majeſty, *To explain and amend a former Act paſſed in the Eleventh Year of the Reign of his late Majeſty King* George *the Firſt, For the better regulating the Manufacture of Cloth in the Weſt Riding of the County of* York, and for making the ſaid Acts more effectual.

Preamble, reciting the Act 7 *Geo.* II. *c.* 25.

WHEREAS by an Act of Parliament made and paſſed in the Seventh Year of the Reign of His preſent Majeſty King *George* the Second, intituled, *An Act to explain and amend an Act paſſed in the Eleventh Year of the Reign of his late Majeſty King* George *the Firſt, intituled*, An Act for the better regulating the Manufacture of Cloth in the Weſt Riding of the County of *York*; it was enacted, That if any Owner, Maſter, Occupier, or Millman, of any Fulling-mills in the ſaid Weſt Riding, ſhould, after the Twenty fourth Day of *June*, in the Year of our Lord One thouſand ſeven hundred thirty four, neglect or refuſe to ſtamp on ſuch Seal of Lead, as is therein mentioned, before ſuch Cloth ſhould be carried from the Mill, in Figures plainly to be ſeen and known, the true Length and Breadth of ſuch Cloth, and alſo his Name, or Part thereof, upon the Rivet of the ſaid Seal, and be thereof lawfully convicted, upon the Oath of One or more credible Witneſs or Witneſſes, before One or more Juſtice or Juſtices of the Peace for the ſaid Weſt Riding, or of any Corporation within the ſame (ſuch Juſtice or Juſtices not being a Merchant or Trader in the Woollen Manufacture) ſuch Owner, Maſter, Occupier, or Mill-man, ſhould forfeit for every ſuch Offence, the Sum of Twenty Shillings, to be recovered and diſtributed as is therein directed: And whereas the ſaid Act of the Seventh Year of His preſent Majeſty hath in general been of great Uſe and Benefit to all Perſons concerned in the Cloth Trade in the ſaid Weſt Riding; but as ſeveral of the Directions and Proviſions in the ſaid Act have not proved effectual to anſwer the Purpoſes thereby intended, and as the ſame Act being made temporary will expire at the End of this preſent Seſſion of Parliament; wherefore, for continuing ſo much of the ſaid Act as hath already been found beneficial, and for explaining and amending the ſame, ſo far as to make the Law more effectual for the Preſervation of a Trade ſo advantageous and beneficial to the Kingdom; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Juſtices of the Peace for the ſaid Weſt Riding of the ſaid County of York, not being Dealers in Woollen Cloth, or being Owners, Farmers, or Occupiers of any Fulling-mill, at their next Quarter Seſſions of the Peace to be holden for the ſaid Riding, next after Midſummer, One thouſand ſeven hundred and forty one, or at ſome Adjournment of the ſame, and at their General Quarter Seſſions of the Peace to be holden next after Eaſter yearly, ſhall and may, and they are hereby authorized and required to chooſe and appoint ſo many Men of good Character and Repute within the ſaid Riding, being Perſons following, or having been brought up in the Trade or Occupation of a Maker or Dreſſer of Woollen Broad Cloth in the ſaid Riding, as they ſhall think convenient, to be Meaſurers and Searchers of Cloth at the Mills in the ſaid Riding, over and above ſuch

Juſtices to chooſe Meaſurers and Searchers of Cloth,

such Persons as are or may be appointed Searchers by virtue of the said former Acts, or either of them, and to appoint and station the Measurers and Searchers so to be chosen, at such Mills, and in such Manner, as to the said Justices at their General or Adjourned Sessions shall seem meet and convenient; and shall and may assign, allow, and appoint, to the said Measurers so to be appointed, such yearly Salaries not exceeding the yearly Sum of Twenty five Pounds to each of them, as the said Justices at the said General or Adjourned Sessions, or the major Part of them, shall think proper. and appoint their yearly Salaries.

II. Provided always, and be it further enacted, That if any Person who shall be so appointed to be a Searcher of such Cloth, shall happen to die during the Year which he is so appointed to be a Searcher, or shall by Sickness, or any other Accident, be rendered incapable of executing the said Office; that then and in such Case it shall and may be lawful for any One such Justice of the Peace as aforesaid, living near to the Place where such Searcher did or shall reside, to appoint some other proper Person qualified as aforesaid, to supply the Place of such Searcher, until the next Easter Sessions, to be there by the major Part of such Justices present confirmed, or another Person appointed in his Place; and the Person so confirmed or appointed, shall take the same Oath, and be invested with the same Powers, and liable to the same Penalties for any Breach or Neglect of Duty, as the Searchers elected or to be elected at the Easter Session by virtue of this Act are or ought to be. On Searcher's Death, or Incapacity, the next Justice may choose another, to be approved by the Justices at the next *Easter* Sessions.

III. And it is hereby further enacted, That the said Measurers so to be appointed shall and may, and they are authorized and directed, at the respective Fulling-mills where they shall respectively be stationed or placed, jointly and together with the Mill-men of the said Mills respectively, measure all the Whole Cloths and Ends which shall be there milled respectively, at the respective Times, and in Manner herein after mentioned; that is to say, Such Cloths or Ends as shall be streamed or washed in the Goit or Mill-stream of the said Mills respectively, shall be measured within Six, and not sooner than Four Hours, after the same shall be so streamed or washed; and such Cloths or Ends as shall not be so streamed and washed, shall be measured within Four Hours after the same shall come out of the Stock. Duty of Measurers.

IV. And it is hereby further enacted, That no Cloth-maker shall take away his Cloth from any such Fulling-mill, before the same has lain Four Hours, after it has been streamed or washed; or before the same has lain Four Hours after it has come out of the Stock (in case it shall not be so washed or streamed) unless the same shall be sooner measured and stamped in Manner herein after mentioned by the Searcher, jointly with the respective Mill-men at whose Mills such Cloth shall respectively be milled or fulled: And if any Cloth-maker shall take away his Cloth from the Mill before the same shall be so measured and stamped, every Person so offending, and being thereof convicted upon the Oath of the Mill-man or Measurer at the Mill where such Cloth was so fulled, before One or more Justice or Justices of the Peace for the said Riding, or any Corporation within the same (such Justice or Justices not being Traders or Dealers in the Woollen Manufacture, or Owners, Farmers, or Occupiers of any Fulling-mill) every Person so offending shall for every such Offence forfeit and pay the Sum of Twenty Shillings, to be levied and recovered in such Manner, as the Penalties inflicted and directed to be levied by the said Act of the Seventh Year of His present Majesty are directed and appointed to be levied and recovered, and to be applied and disposed of in Manner following; that is to say, One Moiety thereof to the Informer, and the other Moiety to the Treasurer of the West Riding of the County of York. Penalty on the Cloth-maker offending against this Act.

V. And it is hereby further enacted, That every Mill-man who shall have the Care of any Fulling-mill at the Time of passing this Act, on or before the First Day of May, One thousand seven hundred and forty one, and every Mill-man hereafter to be appointed to and employed as a Mill-man at any such Fulling-mill, in the said Riding, within Ten Days after he shall be so first appointed and employed, and every Measurer and Searcher, at the Time he shall be appointed to the said Office, shall respectively, and they are hereby required to take an Oath before some Justice of the Peace for the said Riding, or any Corporation within the same, that they will well and truly perform such Measuring and Stamping, according to the Intent and Meaning of this Act; which Oath such Justice of the Peace is hereby authorized and required to administer, and to give such Mill-man and Searcher respectively a Certificate of such Oath's having been administred and taken. Fuller and Searcher to take an Oath before a Justice, and have a Certificate of such Oath.

VI. And it is hereby further enacted, That the Fuller or Mill-man who shall full or mill such Cloth, and the Measurer or Searcher who shall measure the same, shall affix or cause to be affixed on every such Cloth, before it shall be carried from the Mill, Two Seals of Lead, to be furnished by the Clothier; One of which Seals shall be fixed at one End of such Cloth by the Fuller or Mill-man, and the other of the said Seals to be fixed by such Searcher or Measurer at the other End of such Cloth; and such Searcher or Measurer, and Fuller or Mill-man respectively, shall rivet the Seals by them respectively to be affixed on every such Cloth, and each of them stamp his Name, or Part thereof, upon the said Seal or Rivet; and likewise shall, in Figures plainly to be seen and distinguished, stamp the Length and Breadth of every such Cloth; and immediately after the said Cloth shall be measured, sealed, and stamped, as aforesaid, the Searcher stamping the same shall enter in a Book to be provided by the Treasurer, and kept at the Fulling-mill for that Purpose, the Name and Place of Abode of the Maker of every such Cloth, and the Colour or Sort of the same Cloth, and the Length and Breadth on such Seals by such Fuller or Mill-man and Searcher so marked and impressed; for which Seals so to be fixed, there shall be paid by the Owner of such Cloth to such Mill-man the respective Sums following; videlicet, For the Seals of every whole or long Cloth, the Sum of Four Pence; and for the Seals of every End or Half Cloth, the Sum of Two Pence; Three fourth Parts whereof shall be accounted for and paid by such Mill-man to the Treasurer of the said West Riding for the time being, to be applied for such Purposes as are herein after directed, and the other Fourth Part thereof to such Fuller or Mill-man, to and for his own Use and Benefit; and that Fuller and Searcher to fix leaden Seals at each End of the Cloth; and enter a Description of the Cloth in a Book, and the Maker's Name and Place of Abode. Price of fixing the Seals.

that no other Duty ſhall be paid for meaſuring or ſtamping of Cloth by virtue of this or the ſaid former Acts, or either of them.

The Stamps on the Seals to ſhew the Length of the Cloth.

VII. And it is hereby further enacted, That the Length and Number of Yards ſo ſtamped on ſuch Seals as aforeſaid ſhall be the Rule of Payment for ſuch Cloth by the Buyer of the ſame.

Penalty for the Cloth being under Breadth.

VIII. Provided always, and it is hereby enacted and declared, That in caſe any Long or Whole Cloth, or End or Half Cloth, after it is fully milled, and ſhall have lain Four Hours as aforeſaid, ſhall be under the Breadth of One Yard Thirteen Inches and half, for above one fifth Part of the Length thereof, then and in ſuch Caſe upon Information thereof made before One or more Juſtice or Juſtices of the Peace (ſuch Juſtice or Juſtices not being Traders or Dealers in the Woollen Manufacture, or Owners, Farmers, or Occupiers of any Fulling-mill) and upon Proof thereof upon Oath by One or more credible Witneſs or Witneſſes, the Maker or Owner of ſuch Cloth ſhall forfeit and pay for every ſuch Defect in Breadth in ſuch whole Cloth or End, the ſeveral Penalties herein after mentioned; that is to ſay, For the firſt Inch ſuch Cloth ſhall be under the Breadth of One Yard Thirteen Inches and half, the Sum of Two Shillings and ſix Pence; for the ſecond Inch, the Sum of Five Shillings; and for every other Inch ſuch Cloth ſhall be under the Breadth aforeſaid, the Sum of Fifteen Shillings; the ſaid Penalties, after deducting thereout the Coſts and Charges that the ſaid Informer ſhall ſuſtain and be put unto in ſuch Proſecution and Conviction, ſhall be paid and applied as follows; videlicet, One Moiety thereof to the Informer, and the other Moiety to the Treaſurer of the ſaid Weſt Riding, and ſhall be recovered and levied in ſuch Manner, as the other Penalties are to be recovered and levied by virtue of this Act.

No other Penalties to be paid than the before mentioned.

IX. Provided always, That no Clothier, or Maker of Woollen Broad Cloth, ſhall, after the ſaid Firſt Day of May, forfeit or incur, or be liable to, any Penalty for making Cloth under the Breadth herein before deſcribed and directed, other than the Penalties inflicted and directed to be levied by this preſent Act in the Caſe herein before mentioned; any former Law or Statute to the contrary notwithſtanding.

Cloths being damaged and ſhortened, ſhall be meaſured and ſealed again.

X. Provided, That if it ſhall happen, that after any Cloth ſhall have been milled, ſealed, and ſtamped, as aforeſaid, any Part thereof ſhall by any Accident be damaged and taken off, ſuch Part thereof as ſhall not be damaged ſhall be again meaſured, ſealed, and ſtamped by a Searcher to be ſent for, for that Purpoſe, who ſhall affix a new Seal to the ſaid Cloth in Manner herein before directed, which Seal ſhall then be a Rule of Payment for ſuch Cloth.

XI. And it is hereby further enacted by the Authority aforeſaid, That if the Owner of any ſuch Cloth ſhall, when the Cloth ſhall be brought Home from the Fulling-mill, and upon his meaſuring the ſame, find ſuch Cloth to be of leſs Length, or of leſs Breadth for above One fifth Part of the Length thereof, than the ſame is by ſuch Stamps or Seals denoted or expreſſed to contain, and ſhall, before the ſame has been expoſed to Sale, make Oath thereof before One or more Juſtice or Juſtices of the Peace as aforeſaid; and ſhall alſo at the ſame Time make Oath, that the ſaid Admeaſurement was made by him, before the ſaid Cloth had been above Four Hours in his Cuſtody at Home, and of the true Length and Breadth he found the ſame to be upon ſuch his Admeaſurement; then and in ſuch Caſe the Fuller or Mill-man, and Searcher, who meaſured and ſtamped the Cloth ſo complained of, being convicted by ſuch Oath of the Clothier as aforeſaid, ſhall for every ſuch Offence jointly forfeit and pay the reſpective Penalties and Sums following; that is to ſay, For the firſt Inch in Breadth, or Half a Yard in Length that ſuch Cloth ſhall fall ſhort of the Meaſure ſtamped and marked on the ſame, the Sum of Five Shillings, and for every other Inch in Breadth, or Half Yard in Length ſo over ſtamped, the Sum of Ten Shillings, the ſaid Penalties, after deducting thereout the Coſts and Charges of ſuch Proſecution and Conviction, to be paid and applied as follows; videlicet, One Moiety to the Informer, and the other Moiety to the Treaſurer of the ſaid Weſt Riding, for the Purpoſes herein after mentioned.

Penalty on Frauds committed by the Fuller and Searcher.

Treaſurer to deduct the Penalties out of the Salaries of the Searchers, &c.

XII. And it is hereby enacted and declared, That it ſhall and may be lawful to and for the ſaid Treaſurer, to deduct and retain the Sums of Money to be forfeited by the Meaſurers and Searchers reſpectively, out of the yearly Salaries of ſuch Meaſurers and Searchers reſpectively, as ſuch Salaries reſpectively ſhall become due and payable.

Juſtices and Searchers to give Account to the Treaſurer 4 times a Year of all Convictions.

XIII. And it is hereby further enacted and declared, That the ſeveral Juſtices of the Peace before whom any Conviction ſhall be made by virtue of this Act, as alſo the ſeveral Meaſurers and Searchers ſo to be appointed, ſhall and they are hereby required Four Times in every Year at the leaſt, to return and tranſmit to the Treaſurer of the ſaid Weſt Riding for the time being, a true and perfect Account in Writing of all the Convictions to be made purſuant to this Act, or either of the former Acts, that ſhall happen within their Knowledge, and of all the Penalties and Forfeitures inflicted or levied by Means or on Account thereof, which by virtue of this Act, or either of the ſaid former Acts, are made payable to the ſaid Treaſurer for the time being, to the Intent he may take Order for the Receipt and Payment of the ſaid Penalties and Forfeitures, according to the Tenor and true Meaning, and for the Purpoſes of this Act.

Proviſo.

XIV. Provided always, That no Mill-man or Searcher ſhall, after the ſaid Firſt Day of May, forfeit or incur, or be liable to, any Penalty, for falſly or fraudulently meaſuring, ſealing, or ſtamping any Cloth, other than the Penalties by this Act in the Caſe herein before mentioned; any former Law or Statute to the contrary notwithſtanding.

Directions in caſe of a Proſecution.

XV. And it is hereby further enacted, That from and after the ſaid Firſt Day of May, in caſe any Cloth-maker, Searcher, Mill-man, or any other Perſon, ſhall be proſecuted for any of the Offences mentioned in this or either of the ſaid former Acts, after the Cloth, relating to which ſuch Proſecution ſhall be commenced, ſhall be ſold to the Merchant or Cloth-buyer, every ſuch Merchant or Cloth-buyer ſhall, and he is hereby required and obliged, on Demand of the Perſon ſo proſecuted, to produce ſuch Cloth, unleſs it ſhall appear on the Oath of ſuch Merchant or Buyer, or the Perſon who packed the ſame, to be made before One or more Juſtice or Juſtices of the ſaid Riding, or any Corporation within

the ſame (which Oath ſuch Juſtice or Juſtices is and are hereby required to adminiſter gratis) that ſuch Cloth was then dreſſed, preſſed, and packed up, in order to be ſent away from ſuch Merchant or Buyer, to the Intent that the ſame, and the Matter of ſuch Complaint, may be inſpected, inquired into, and examined; and in caſe the Merchant, Buyer, or Owner of ſuch Cloth ſhall refuſe to produce the ſame as aforeſaid, ſuch Merchant, Buyer, or Owner ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds, to be levied, recovered, and applied, as aforeſaid.

Extent of this Act.

XVI. And be it further enacted by the Authority aforeſaid, That this Act, and all the Penalties and Clauſes therein contained, ſhall extend to all Woollen Broad Cloth which ſhall be made, milled, dreſſed, or expoſed to Sale in the Weſt Riding of the County of York, except White Cloth, after the ſame ſhall be put into hot Water in order to be died.

Informations to be made within 5 Days.

XVII. And it is hereby further enacted by the Authority aforeſaid, That all Informations, on which any Conviction ſhall be made of any Offence by virtue of this Act, ſhall be made within Five Days next after the Diſcovery of the ſame Offence, and not otherwiſe.

Application of the Duties and Penalties.

XVIII. And whereas there is now in the Hands of the Treaſurer of the Weſt Riding of the County of *York* a conſiderable Sum of Money, which hath ariſen by and out of the Duties granted by the ſaid former Acts, for the ſtamping and meaſuring of Broad Cloth; now it is hereby further enacted by the Authority aforeſaid, That the Treaſurer of the ſaid Weſt Riding for the time being, ſhall out of the Money remaining in his Hands, and which ſhall hereafter be received by him on Account of the ſaid Duties, and of the Duties and Penalties herein before directed to be paid to ſuch Treaſurer as aforeſaid, in the firſt Place pay the Charges and Expences attending the paſſing this Act, and ſhall afterwards pay and apply the ſaid Duties and Penalties, as the ſame ſhall come in and be received, to ſuch Uſes and Purpoſes as the ſame are directed to be paid and applied by virtue of this or the ſaid Two former Acts, or either of them.

Juſtices to ſettle the Duties.

XIX. And it is hereby further enacted by the Authority aforeſaid, That after all the Money to be expended in and about the obtaining this Act ſhall be totally paid off and diſcharged, it ſhall and may be lawful to and for the Juſtices of the Peace for the ſaid Weſt Riding, at their General Quarter Seſſion held next after Eaſter, to make Orders for the increaſing or diminiſhing the Rates and Duties to be paid for meaſuring, ſtamping, and ſealing of Cloth, ſo as the ſame ſhall never exceed Four Pence for a whole Cloth, and Two Pence for an End or Half Cloth.

This Act made perpetual. 11 *Geo.* I. *c.* 24.

XX. And it is hereby further enacted, That this preſent Act, and all the Clauſes, Proviſoes, Matters, and Things contained in the ſaid Act of the Eleventh Year of his late Majeſty King George the Firſt, and the ſaid Act of the Seventh Year of His preſent Majeſty, or either of them, which were to continue in Force to the End of this preſent Seſſion of Parliament, other than and except ſuch of them as are hereby revoked, repealed, altered, or otherwiſe explained, ſhall be and are hereby made perpetual: And alſo, that this Act ſhall be taken and deemed to be a Publick Act, and all Judges, Juſtices, and other Perſons, are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

Publick Act,

CAP. XXXVI.

An Act for opening a Trade to and from *Perſia* through *Ruſſia*.

Preamble, reciting the Patent of 1 and 2 *Philip* and *Mary*,

WHEREAS by Letters Patent, dated at *Weſtminſter* the Twenty ſixth Day of *February*, in the Firſt and Second Years of the Reign of King *Philip* and Queen *Mary*, their Majeſties did give and grant to certain Perſons therein mentioned, by the Name of *Merchants Adventurers of* England, *for the Diſcovery of Lands, Territories, Iſles, Dominions, and Seigniories unknown, and not before their late Adventure or Enterprize, by Seas or Navigation commonly frequented*, the ſole Privilege of trading to the Dominions and Territories of the Emperor of *Ruſſia:* And whereas the Liberties, Powers, and Privileges granted by the ſaid Letters Patent, were afterwards by an Act of Parliament made in the Eighth Year of the Reign of Queen *Elizabeth*, confirmed to the ſaid Merchants, and their Succeſſors, by the Name of *The Fellowſhip of* Engliſh *Merchants, for Diſcovery of new Trades* (*now commonly called* The *Ruſſia* Company) by which the ſaid Fellowſhip are to have the ſole Privilege of trading to and from the Dominions and Territories of the Emperor of *Ruſſia*, lying Northwards, North-eaſtwards, and North-weſtwards, from the City of *London*; as alſo to the Countries of *Armenia Major* or *Minor*, *Media*, *Hyrcania*, *Perſia*, or the *Caſpian* Sea: And whereas by an Act made in the Tenth and Eleventh Years of the Reign of King *William* the Third, to inlarge the Trade to *Ruſſia*, any Subject of this Realm hath a Right to be made free of the ſaid Fellowſhip, paying for ſuch his Admiſſion Five Pounds, and no more: And whereas by an Act of Parliament paſſed in the Twelfth Year of the Reign of his late Majeſty King *Charles* the Second, intituled, *An Act for encouraging and increaſing of Shipping and Navigation*, it is (amongſt other Things) enacted, That no Goods of foreign Growth, Production, and Manufacture, which by the ſaid Act are to be brought into *England*, *Ireland*, *Wales*, the Iſlands of *Guernſey* or *Jerſey*, or Town of *Berwick* upon *Tweed*, in *Engliſh* or other Shipping, navigated in ſuch Manner as therein is mentioned, ſhall be ſhipped or brought from any other Place or Places, Country or Countries, but only from thoſe of the ſaid Growth, Production, or Manufacture, or from thoſe Ports where the ſaid Goods and Commodities could only, or were, or uſually had been, firſt ſhipped for Tranſportation, and from none other Places or Countries, under the Penalties of the Forfeiture of all ſuch Goods, as alſo the Ship in which they are imported, with all her Guns, Furniture, Ammunition, Tackle, and Apparel, to be divided and recovered as in the ſaid Act is directed, with Proviſo that the ſaid Act ſhall not extend or be meant to reſtrain and prohibit the importing of any of the Commodities of the *Streights* or *Levant* Seas, in *Engliſh* built Shipping, and navigated as therein is directed, from the uſual Ports or Places for lading them within the ſaid *Streights* or *Levant* Seas, or the importing any *Eaſt India* Commodities, loaden in the like Shipping, and ſo navigated from the uſual Place or Places for lading of them, in any Part of thoſe Seas to the Southward and Eaſtward of *Cabo bona Speranza*, although the ſaid Commodities be not of the very Growth of the ſaid Ports or Places reſpectively: And whereas at the Time of paſſing the ſaid Act laſt mentioned, it was not uſual to bring to this Kingdom Raw Silk, and other Goods and Commodities of the Growth, Produce, or Manufacture of *Perſia*, through the Dominions and Territories of the Emperor of *Ruſſia:* And whereas it may be of great Advantage to this Kingdom, to open a Trade to and from *Perſia* through *Ruſſia*, by promoting the Conſumption of the Woollen and other Manufactures, Goods, and Commodities thereof, if Raw Silk, and other the Goods and Commodities of the Growth, Produce, and Manufacture of *Perſia* be permitted to

and 8 *Eliz. not printed.*

and 10 & 11 *Will.* III. *c.* 6.

and 12 *Car.* II. *cap.* 18.

be

be imported into this Kingdom from *Ruſſia*, in Return for ſuch Woollen and other Manufactures as ſhall be exported from hence into *Ruſſia*, and from thence carried into *Perſia*, and not otherwiſe; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty one, it ſhall and may be lawful to and for any Perſon or Perſons free or to be free of the ſaid Fellowſhip of Engliſh Merchants for Diſcovery of new Trades, commonly called The Ruſſia Company, exclusive of all others, to bring and import into this Kingdom, in Britiſh built Shipping navigated according to Law, from any Port or Place of or belonging to the Czar or Emperor of Ruſſia, Raw Silk, or any other Goods or Commodities of the Growth, Produce, or Manufacture of Perſia (provided ſuch Manufacture be made of the Growth or Produce of Perſia) being purchaſed by Barter with Woollen or other Manufactures, Goods, or Commodities, exported from Great Britain to Ruſſia, and from thence carried into Perſia (Gold and Silver in Coin or Bullion excepted) or with the Produce ariſing from the Sales of ſuch Manufactures, Goods, or Commodities ſo exported to Ruſſia and carried into Perſia as aforeſaid, and not otherwiſe, upon paying or ſecuring the Cuſtoms and other Duties now payable for the ſame by any Law now in Force, according to ſuch Rules, Methods, and Directions, and in the ſame Manner and Form, and with ſuch Allowances, Abatements, Diſcounts, and Drawbacks, and under ſuch Penalties, Forfeitures, and Diſabilities, as are by Law preſcribed and practiſed on the Importation of the like Goods of the Growth, Produce, or Manufacture of Perſia, imported into this Kingdom from any Port or Place in the Levant Seas by any Perſon or Perſons free of the Levant or Turkey Company; any thing in the ſaid recited Act made in the Twelfth Year of the Reign of King Charles the Second to the contrary thereof in any wiſe notwithſtanding.

The *Ruſſia* Company may import *Perſian* Commodities,

being purchaſed by Barter, with *Britiſh* Manufactures,

or with the Produce of ſuch Manufactures exported to *Ruſſia*,

II. And be it further enacted by the Authority aforeſaid, That no Silk, or other Produce, Commodities, or Manufactures of Perſia, ſhall be imported into Great Britain through Ruſſia by virtue of this Act, unleſs the Importer or Importers thereof do take an Oath, or being of the People called Quakers, a ſolemn Affirmation, before the Collector, Cuſtomer, or Comptroller of His Majeſty's Cuſtoms (who are hereby impowered to adminiſter the ſame) at the Port or Place of Importation, that to the beſt of his or their Knowledge and Belief, the Silk, and other the Produce, Commodities, or Manufactures of Perſia, contained in his or their Entry or Entries, was or were really and truly purchaſed by Barter with Woollen or other Manufactures, Goods, or Commodities, exported from Great Britain to Ruſſia, and from thence carried into Perſia (not being Gold or Silver in Coin or Bullion) or with the Produce ariſing from the Sales of ſuch Woollen or other Manufactures, Goods, or Commodities, ſo exported as aforeſaid, and not otherwiſe; and in Default of taking ſuch Oath or Affirmation, all ſuch Silk, or other the Produce, Commodities, or Manufactures of Perſia, ſo imported from Ruſſia, ſhall be liable to be ſeized and forfeited, in like Manner as if the ſame had been imported contrary to the ſaid Act made in the Twelfth Year of the Reign of his late Majeſty King Charles the Second, intituled, An Act for encouraging and increaſing of Shipping and Navigation.

on Oath of the Importer.

III. Provided always, and be it further enacted by the Authority aforeſaid, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to the permitting the uſing or wearing in this Kingdom any wrought Silks, or other the Goods or Commodities of the Manufacture of Perſia, mentioned in the Act paſſed in the Eleventh Year of the Reign of his late Majeſty King William the Third, intituled, An Act for the more effectual employing the Poor, by encouraging the Manufactures of this Kingdom, which may be imported by virtue hereof through Ruſſia; but the ſame Act, and every Clauſe therein contained, ſo far as the ſame relates to the importing the ſaid Goods into the Port of London only, and to the Entry thereof, and Payment of the Duties, and putting the ſame into proper Warehouſes, and exporting them on Security, and to the ſeizing and proſecuting thoſe Goods, and dividing the Produce of ſuch Seizures, and keeping proper Accounts thereof, and ſubjecting the Perſons concerned to Penalties and Diſabilities for Breach of the ſaid Act, ſhall be practiſed, and be of full Force and Effect for the Purpoſes aforeſaid, as if the ſaid Act, and the ſeveral Clauſes therein contained, were particularly and at large repeated and ſet down in the Body of this Act.

Perſian Manufactures not to be worn in *England*;

11 *Will.* III. *cap.* 10.

but ſhall be exported again on Security.

IV. And be it further enacted by the Authority aforeſaid, That if any Queſtion, Diſpute, or Doubts ſhall ariſe, whether any of the Goods or Commodities to be imported by virtue of this Act be of the Growth, Produce, or Manufacture of Perſia, or not, or were imported contrary to the true Intent and Meaning of this Act, and the ſame ſhall for that Reaſon be ſeized as forfeited; the Proof thereof ſhall be incumbent on the Importer or Claimer, and not upon the Officer or Informer; and the Commiſſioners of the Cuſtoms, if they ſee ſufficient Cauſe, ſhall and may direct the Officer of the Cuſtoms who made the Seizure, to proceed in the Proſecution thereof, or not; and Judgement thereupon ſhall be given for Recovery of the Forfeiture.

On Seizure, the Proof of their being *Perſian* Goods, or not, ſhall be on the Importer.

V. And be it further enacted by the Authority aforeſaid, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in Purſuance and by Authority of this Act; and if it ſhall appear ſo to have been done, then the Jury ſhall find for the Defendant or Defendants; and if the Plaintiff ſhall be nonſuited, or diſcontinue his Action after the Defendant or Defendants ſhall have appeared, or if Judgement ſhall be given upon any Verdict or Demurrer againſt the Plaintiff, the Defendant or Defendants ſhall and may recover Treble Coſts, and have the like Remedy for the ſame, as Defendants have in other Caſes by Law.

General Iſſue.

Treble Coſts.

VI. Provided alſo, That any thing in this Act contained ſhall not extend, or be conſtrued to extend, to hinder or deprive the Corporation of the United Company of Merchants of England trading to the Eaſt Indies, from having and enjoying all and every ſuch Powers, Privileges, Franchiſes, Benefits, Matters, or Things, as do or ſhall belong to them, or

This Act not to affect the *Eaſt India* Company.

or which they could or might enjoy in any Manner of wiſe, if this Act had not been made; any thing in this Act to the contrary notwithſtanding.

VII. And be it further enacted by the Authority aforeſaid, That this ſhall be adjudged and deemed to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

CAP. XXXVII.

An Act for reſtraining and preventing ſeveral unwarrantable Schemes and Undertakings in His Majeſty's Colonies and Plantations in *America*.

Preamble reciting the Act 6 *Geo.* I. *c.* 18.

WHEREAS in and by an Act made in the Sixth Year of the Reign of his late Majeſty King *George* the Firſt, intituled, *An Act for better ſecuring certain Powers and Privileges intended to be granted by His Majeſty by Two Charters, for Aſſurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry, and for reſtraining ſeveral extravagant and unwarrantable Practices therein mentioned, for ſuppreſſing the miſchievous and dangerous Undertakings and Attempts therein mentioned and deſcribed, and preventing the like for the future*; it was enacted, That from and after the Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty, all and every the Undertakings and Attempts therein before deſcribed, and all other publick Undertakings and Attempts tending to the common Grievance, Prejudice, and Inconvenience of His Majeſty's Subjects, or great Numbers of them, in their Trade, Commerce, or other lawful Affairs, and all publick Subſcriptions, Receipts, Payments, Aſſignments, Transfers, pretended Aſſignments and Transfers, and all other Matters and Things whatſoever, for furthering, countenancing, or proceeding in any ſuch Undertaking or Attempt, and more particularly the acting or preſuming to act as a corporate Body or Bodies, the raiſing, or pretending to raiſe transferrable Stock or Stocks, the transferring or pretending to transfer or aſſign any Share or Shares in ſuch Stock or Stocks without legal Authority, either by Act of Parliament or by any Charter from the Crown, to warrant ſuch acting as a Body Corporate, or to raiſe ſuch transferrable Stock or Stocks, or to transfer Shares therein; and all acting or pretending to act under any Charter, formerly granted from the Crown for particular or ſpecial Purpoſes therein expreſſed, by Perſons who did or ſhould uſe, or endeavour to uſe, the ſame Charters for raiſing a Capital Stock, or for making Transfers or Aſſignments, or pretended Transfers or Aſſignments of ſuch Stock, not intended or deſigned by ſuch Charter to be raiſed or transferred; and all acting or pretending to act under any obſolete Charter, become void or voidable by Nonuſer or Abuſer, or for want of making lawful Elections which were neceſſary to continue the Corporation thereby intended, ſhould, as to all or any ſuch Acts, Matters, and Things as ſhould be acted, done, attempted, endeavoured, or proceeded upon after the ſaid Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty, for ever be deemed to be illegal and void, and ſhould not be practiſed, or in any wiſe put in Execution: And it was further enacted, That from and after the ſaid Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty, all ſuch unlawful Undertakings and Attempts ſo tending to the common Grievance, Prejudice, and Inconvenience of His Majeſty's Subjects, or a great Number of them, in their Trade, Commerce, or other lawful Affairs, and the making or taking of any Subſcriptions for that Purpoſe, the receiving or paying of any Money upon ſuch Subſcriptions, the making or accepting of any Aſſignment or Transfer, or pretended Aſſignment or Transfer, of any Share or Shares upon any ſuch Subſcription; and all and every other Matter and Thing whatſoever, for furthering, countenancing, or proceeding in any ſuch unlawful Undertaking or Attempt, and more particularly the preſuming or pretending to act as a corporate Body, or to raiſe a tranferrable Stock or Stocks, or to make Transfers or Aſſignments of any Share or Shares therein, without ſuch legal Authority as aforeſaid; and all acting, or pretending to act, under any Charter formerly granted from the Crown for any particular or ſpecial Purpoſes therein expreſſed, by Perſons making or endeavouring to make uſe of ſuch Charter for any ſuch other Purpoſe not thereby intended, and all acting, or pretending to act, under any ſuch obſolete Charter as was before deſcribed, and every of them, as to all or any ſuch Acts, Matters, or Things as ſhould be ſo acted, done, attempted, endeavoured, or proceeded upon after the ſaid Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty, ſhould be deemed to be a publick Nuſance and Nuſances, and the ſame, and all Cauſes, Matters, and Things relating thereto, and every of them, ſhould for ever thereafter be examined, heard, tried, and determined, as common Nuſances were to be examined, heard, tried, and determined by or according to the Laws of this Realm; and all Offenders therein, being thereof lawfully convicted upon Information or Indictment in any of His Majeſty's Courts of Record at *Weſtminſter*, or in *Edinburgh*, or in *Dublin*, ſhould be liable to ſuch Fines, Penalties, and Puniſhments, whereunto Perſons convicted for common and publick Nuſances were by any of the Laws and Statutes of this Realm ſubject and liable, and moreover ſhould incur and ſuſtain any further Pains, Penalties, and Forfeitures, as were ordained and provided by the Statute of Proviſion and *Premunire*, made in the Sixteenth Year of the Reign of King *Richard* the Second: And it was further enacted, That if any Merchant or Trader at any time after the ſaid Twenty fourth Day of *June*, One thouſand ſeven hundred and twenty, ſhould ſuffer any particular Damage in his, her, or their Trade, Commerce, or other lawful Affairs, by Occaſion or Means of any Undertaking or Attempt, Matter or Thing, by the ſaid Act declared to be unlawful, and would ſue to be relieved therein; then and in every ſuch Caſe ſuch Merchant or Trader ſhould and might have his and their Remedy for the ſame by an Action or Actions to be grounded upon that Statute, againſt the Perſons, Societies, or Partnerſhips, or any of them, who contrary to that Act ſhould be engaged or intereſted in any ſuch unlawful Undertaking or Attempt; and every ſuch Action and Actions ſhould be heard and determined in any of His Majeſty's Courts of Record aforeſaid, wherein no Eſſoign, Protection, Wager of Law, or more than One Imparlance, ſhould be granted or allowed; and in every ſuch Action the Plaintiff ſhould or might recover Treble Damages with full Coſts of Suit: And whereas Perſons have preſumed to publiſh in *America* a Scheme for ſupplying a pretended Want of a Medium in Trade, by ſetting up a Bank on Land Security, the Stock of ſuch Bank to be raiſed by publick Subſcriptions for large Sums of Money, whereof ſmall Sums were from time to time to be paid in by the particular Subſcribers, and to be managed by Directors, Treaſurer, and other Officers, and Dividends to be made as therein mentioned; and the ſaid Company of Subſcribers were to promiſe to receive the Bills which they ſhould iſſue for and as ſo much lawful Money as ſhould be therein reſpectively mentioned in all Payments, Trade, and Buſineſs; and after the Expiration of Twenty Years, to pay the Poſſeſſor the Value thereof in Manufactures; and ſundry other Schemes, Societies, Partnerſhips, or Companies, have been and may be ſet on Foot in *America*, for the Purpoſe of raiſing publick Stocks or Banks, and unlawfully iſſuing large Quantities of Notes or Bills there, contrary to the true Intent and Meaning of the ſaid recited Act: And whereas Doubts have ariſen, whether the ſaid recited Act doth extend to, or can be executed in, His Majeſty's Dominions, Colonies, and Plantations in *America*,

America, in Regard that the Information or Indictment againſt the Offenders therein mentioned, and likewiſe the Actions to be grounded upon that Act, and thereby given to the Merchant or Trader who ſhould ſuffer any particular Damage, were appointed to be heard and determined in ſome of His Majeſty's Courts of Record at *Weſtminſter*, or in *Edinburgh*, or in *Dublin*, ſo that the ſaid Act without further Explanation and Amendment may not be ſufficient to ſuppreſs and prevent in *America* the miſchievous and dangerous Undertakings and Attempts therein mentioned, and thereby deſigned to be prevented and ſuppreſſed: For Remedy whereof, may it pleaſe Your moſt Excellent Majeſty that it may be declared and enacted; and be it declared and enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid recited Act, and all and ſingular the Paragraphs, Clauſes, Sentences, and Expreſſions therein contained, for ſuppreſſing, reſtraining, or puniſhing the extravagant, and unwarrantable Practices therein mentioned, did, do, and ſhall, extend to all and every the publick, extravagant, and unwarrantable Practices herein before mentioned or deſcribed, and did, do, and ſhall, extend to, and are and ſhall be in Force, and carried into Execution, in all and every of His Majeſty's Dominions, Colonies, and Plantations in America; and that all and every the Undertakings, Attempts, Matters, and Things in the ſaid recited Act mentioned or deſcribed, and prohibited to be acted, done, attempted, endeavoured, or proceeded upon, within the City of London, and other Parts of this Kingdom, as alſo in Ireland, and other His Majeſty's Dominions; and all other the Undertakings, Attempts, Matters, and Things herein before mentioned or deſcribed, are and ſhall be deemed to be illegal and void in His Majeſty's Dominions, Colonies, and Plantations in America alſo, and ſhall not there be practiſed, or in any wiſe put in Execution; and that all Offenders againſt the ſaid recited or this preſent Act, being thereof lawfully convicted upon Information or Indictment in any of His Majeſty's Courts of Record in any of His Majeſty's Dominions, Colonies, or Plantations in America, ſhall be liable to ſuch and the like Fines, Penalties, and Puniſhments, whereunto Perſons convicted in Great Britain for common and publick Nuſances are by any of the Laws or Statutes of this Realm ſubject or liable; and moreover ſhall incur and ſuſtain any further Pains, Penalties, and Forfeitures, as were ordained and provided by the ſaid Statute of Proviſion and Premunire, made in the Sixteenth Year of the Reign of the ſaid King Richard the Second; and that if any Merchant, Trader, or other Perſon hath ſuffered or ſhall ſuffer any particular Damage in his, her, or their Trade, Commerce, Exchange, or other lawful Affairs, by Occaſion or Means of any Undertaking or Attempt, Matter or Thing carried on, attempted, or done in America, and by this Act, or the ſaid recited Act, declared to be illegal, and will ſue to be relieved therein; then and in every ſuch Caſe ſuch Merchant, Trader, or other Perſon, ſhall and may have his, her, and their Remedy for the ſame, by any Action or Suit grounded upon this Act, againſt the reſpective Perſons, Societies, or Partnerſhips, or againſt any one or more of the Perſons, who contrary to this Act have or hath been or ſhall be engaged or intereſted in any ſuch unlawful Undertaking or Attempt; and every ſuch Action and Suit (for what hath been or ſhall be ſo undertaken, carried on, attempted, or done in America) ſhall be heard and determined in any of His Majeſty's Courts of Record within any of His Majeſty's Dominions, Colonies, or Plantations in America; and in every ſuch Action and Suit the Plaintiff (in caſe he or ſhe recover) may and ſhall recover Treble Damages, with full Coſts of Suit.

Act 6 *Geo.* I. enlarged and ſtrengthened.

The ſaid Act to extend to *America*.

Fines and Penalties on Offenders.

Sufferers here to be relieved.

Treble Damages and full Coſts.

II. And be it further enacted by the Authority aforeſaid, That all and every Perſon and Perſons whatſoever, who ſhall be poſſeſſed of or intitled to any Promiſſory Note or Notes, Bill or Bills, which have been or ſhall be iſſued by any ſuch Societies, Partnerſhips, or Companies of Perſons in America, ſhall and are hereby impowered to commence or bring at any Time hereafter, his, her, or their Action or Suit, in any Court of Record in any of His Majeſty's Dominions, Colonies, or Plantations in America, againſt the reſpective Perſons, Societies, Partnerſhips, or Companies, who have or ſhall iſſue ſuch Notes or Bills, or againſt any One or more of the Perſons who have been within the Space of Six Years laſt paſt, or ſhall be hereafter engaged or intereſted in any ſuch unlawful Undertaking or Attempt, or who ſhall have ſigned ſuch Note or Notes, Bill or Bills, in order to recover preſent Payment in lawful Money of the full Sum mentioned and expreſſed in ſuch Note or Bill, to which Payment every ſuch Perſon is hereby declared to be perſonally liable; and in ſuch Actions or Suits, the Plaintiff or Plaintiffs ſhall recover and have Judgement for immediate Payment by the Defendant or Defendants in lawful Money, of the full Sum mentioned in ſuch Note or Bill, together with lawful Intereſt for the ſame from the Day of the Date of ſuch Note or Bill, with full Coſts of Suit, although the Time limited for Payment according to the Tenor of ſuch Note or Bill ſhall not then be come or paſt.

Notes of *American* Societies, proſecuted in any Court of Record, ſhall be paid immediately.

with lawful Intereſt and full Coſts.

III. Provided always, That nothing herein contained ſhall extend, or be conſtrued to extend, to inflict any of the Fines, Pains, Penalties, Forfeitures, Puniſhments, or Treble Damages aforeſaid, upon any Perſon or Perſons whatſoever, who hath or have attempted, promoted, undertaken, aſſiſted, or carried on in America any of the Matters or Things declared to be illegal and void by this or the ſaid recited Act, if ſuch Perſon or Perſons does or do within Ten Days after Demand made, pay and diſcharge ſuch Sum or Sums of Money reſpectively, as ſhall be ſecured or made payable by ſuch Note or Notes, Bill or Bills; and deſiſt from, give up, relinquiſh, and wholly forbear to act further in any Sort, directly or indirectly, in any ſuch Matter or Thing, on or before the Twenty ninth Day of September, One thouſand ſeven hundred and forty one; any thing herein contained to the contrary notwithſtanding.

Proviſo.

CAP. XXXVIII.

An Act for the Encouragement and Increaſe of Seamen, and for the better and ſpeedier Manning His Majeſty's Fleet.

WHEREAS

WHEREAS the Welfare and Proſperity of His Majeſty's Dominions are greatly concerned in giving all due Encouragement to Marines and Seamen to enter voluntarily into the Ships of the Royal Navy for the Service and Defence of their Country; **be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty one, every Able Seaman, who ſhall on or before the Firſt Day of** May, **One thouſand ſeven hundred and forty one, voluntarily enter himſelf to ſerve on Board any of His Majeſty's Ships of War, ſhall receive and be intitled to a Bounty of Five Pounds, over and above his Wages; and every Ordinary Seaman, who ſhall on or before the Firſt Day of** May, **One thouſand ſeven hundred and forty one, voluntarily enter himſelf to ſerve on Board any of His Majeſty's Ships of War, ſhall receive and be intitled to a Bounty of Three Pounds, over and above his Wages.** Preamble. Bounty-money increaſed.

II. **And it is hereby further enacted, That if any Seaman under the Degree of a Warrant or a Commiſſion Officer, entering voluntarily into the Service of His Majeſty, His Heirs, and Succeſſors, ſhall be killed or drowned in the ſaid Service, and ſhall leave a Widow, to whom he was lawfully married; every ſuch Widow ſending or producing to the Commiſſioners of the Navy a Certificate under the Hands of the Miniſter, Churchwardens, and Overſeers of the Poor of the Pariſh wherein ſhe reſides, that ſhe is the real Widow of the ſaid Seaman ſo killed or drowned, ſhall receive ſuch Sum of Money by way of Bounty, as ſhall amount to, and be equivalent with, One Year's Pay or Wages of ſuch Seaman, computing the ſame according to the Rate of the Monthly Wages or Pay he ſerved for or was intitled to at the Time of his Death: And the Commiſſioners of the Navy for the time being are hereby authorized and required, upon producing ſuch Certificate at the Navy Office, to order and direct the Payment of ſuch Bounty-money accordingly.** Widows of Seamen killed in the Service, to receive a Year's Pay as Bounty.

III. And whereas by an Act of Parliament, made and paſſed in the Firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for encouraging Seamen to enter into His Majeſty's Service*, it was enacted, That no Perſon whatſoever, who ſhould liſt or enter himſelf to ſerve His Majeſty as a Seaman on Board any of His Majeſty's Ships or Veſſels, ſhould be liable to be taken out of His Majeſty's Service by any Proceſs or Execution whatſoever (other than for ſome criminal Matter) unleſs for a real Debt, or other juſt Cauſe of Action, and unleſs before taking out ſuch Proceſs or Execution (not being for a criminal Matter) the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons on his or their Behalf, ſhall make Affidavit before One or more Judge or Judges of the Court of Record, or other Court out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge, the Sum juſtly due and owing to the ſaid Plaintiff or Plaintiffs from the Defendant or Defendants in the Action, or Cauſe of Action, on which ſuch Proceſs ſhould iſſue, or the Debt or Damages and Coſts for which ſuch Execution ſhould be iſſued out, amounted to the Value of Twenty Pounds at the leaſt, a Memorandum of which Oath ſhould be marked on the Back of ſuch Proceſs or Writ, for which Memorandum or Oath no Fee ſhould be taken: And that if any Perſon ſhould be arreſted contrary to the Intent of the ſaid Act, it ſhould be lawful for One or more Judge or Judges of ſuch Court, upon Complaint thereof made by the Party himſelf, or by any his ſuperior Officer or Officers, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant under his or their Hands and Seals to diſcharge ſuch Seaman ſo arreſted contrary to the Intent of the ſaid Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Seaman ſo arreſted was actually belonging to One of His Majeſty's Ships or Veſſels, and arreſted contrary to the Intent of the ſaid Act; and alſo to award to the Party ſo complaining ſuch Coſts as ſuch Judge or Judges ſhould think reaſonable; for the Recovery whereof he ſhall have the like Remedy that the Perſon who took out the ſaid Execution might have had for his Coſts, or the Plaintiff in the ſaid Action might have had for the Recovery of his Coſts, in Caſe Judgement had been given for him with Coſts againſt the Defendant in the ſaid Action: And it was thereby further enacted, That it ſhould and might be lawful for any Plaintiff and Plaintiffs, upon Notice firſt given in Writing of the Cauſe of Action to ſuch Seaman or Seamen in His Majeſty's Service, or left at his or their laſt Place of Reſidence before his entering into His Majeſty's Service, to file a Common Appearance in any Action to be brought for or upon Account of any Debt whatſoever, ſo as to intitle ſuch Plaintiff or Plaintiffs to proceed therein to Judgement and Outlawry; and to have an Execution thereupon, other than againſt the Body or Bodies of him or them ſo actually belonging to One of His Majeſty's Ships, as aforeſaid: **Now it is hereby further enacted, That ſo much of the ſaid Act of the Firſt Year of His preſent Majeſty as relates to the preventing and prohibiting any Seaman from being taken out of the Service of His Majeſty, His Heirs, or Succeſſors, or to any other of the Matters and Things herein before recited, ſhall, from the Twenty fifth Day of** March, **One thouſand ſeven hundred and forty one, be exerciſed, executed, take Effect, and be of Force within the Kingdom of** Ireland. Act 1 *Geo.* II. *c.* 14. recited. This Act to extend to *Ireland*.

IV. And whereas Mariners and Seafaring Men, taking Advantage of the preſent War with *Spain*, have inſiſted on very extravagant Wages, by which the Trade of the Nation, and the Manning of the Royal Navy, is put under great Difficulties; **for Remedy whereof, be it enacted by the Authority aforeſaid, That from and after the Twenty fifth Day of** March, **in the Year of our Lord One thouſand ſeven hundred and forty one, until the Firſt Day of** March **following, no Perſon or Perſons, Bodies Politick or Corporate, ſhall by themſelves, or by any other Perſon or Perſons, directly or indirectly, by way of Gift, Loan, Premium, Depoſit, or by any other Means, Device, or Contrivance whatſoever, give or pay, or agree to give or pay, to any common Seaman, Mariner, or Seafaring Man, or any Perſon employed or to be employed as ſuch, on Board any Merchant Ship or Veſſel; nor ſhall any ſuch Seaman, Mariner, or Seafaring Man, or other Perſon, as aforeſaid, directly or indirectly, by any the Means aforeſaid, take or receive more Wages, Pay, or Hire, than after the Rate of Thirty five Shillings** per **Month, and in the ſame Proportion for any greater or leſſer Time than a Month, for his Service during the whole or any Part of the Voyage he ſhall be bound for or go upon, excepting what ſhall be paid or received by Virtue of and according to ſuch Contracts in Writing, which have been or ſhall be made on or before the Eleventh Day of** March, **One thouſand ſeven hundred and forty, really, and** bona fide Seamen in Merchants Service, not to be paid more than 35 *s. per* Month, except ſuch Contracts as were made before *March* 11, 1740.

fide, according to the Method, and in the Manner prescribed in and by an Act of Par-
Act 2 Geo. II. c. 30. liament of the Second Year of his present Majesty's Reign, intituled, An Act for the better Regulation and Government of Seamen in the Merchant Ships; and all Contracts, Agreements, Bonds, Notes, Writings, Instruments, and Securities, of what Nature or Kind soever, for the paying or receiving more or greater Wages, Pay, or Hire, than as aforesaid, contrary to the true Intent and Meaning of this Act, if made or entered into after the Twenty fifth Day of March, One thousand seven hundred and forty one, and before the First Day of March following, are hereby declared to be, and shall be absolutely void to all Intents and Purposes whatsoever; and if made or entered into after the Eleventh Day of March, in the Year One thousand seven hundred and forty, and on or before the Twenty fifth Day of the same Month, shall be void only as to so much of the Wages, Pay, or Hire thereby agreed for, as shall exceed the Rate and Proportion of Thirty five Shillings
Penalty on giving greater Wages. per Month, according to the true Intent and Meaning of this Act; and if any Person or Persons, or Bodies Politick or Corporate, shall give or pay, or agree to give or pay, to any Seaman, or other Person, any more or greater Wages or Hire, than as aforesaid, contrary to the true Intent and Meaning of this Act, such Person or Persons, or Bodies Politick or Corporate, shall for every such Offence forfeit treble the Sum or Value so given or paid, or agreed to be given or paid, as aforesaid, for the whole Voyage on which such Ship or Vessel is or shall be bound, the said Penalty to be divided and paid in Moieties; one Moiety thereof to the Use of the King's Majesty, his Heirs, and Successors; and the other Moiety to the Informer; and to be recovered by Action of Debt, Bill, Plaint, or Information in any of his Majesty's Courts of Record at Westminster, and in the Court of Exchequer in that Part of Great Britain called Scotland.

Proviso. V. Provided, That nothing in this Act shall be construed to extend to any Contracts or Agreements for the Hire of any Seamen, or Persons employed as such, in Voyages from any Parts beyond the Seas, to any other Parts beyond the Seas, or to Great Britain.

CAP. XXXIX.

An Act for surveying the Chief Ports and Head Lands on the Coasts of *Great Britain* and *Ireland*, and the Islands and Plantations thereto belonging, in order to the more exact Determination of the Longitude and Latitude thereof.

Preamble, reciting the Act 12 *Annæ st.* 2. c. 15. WHEREAS by an Act of Parliament made in the Twelfth Year of the Reign of her late Majesty Queen *Anne*, intituled, *An Act for providing a Publick Reward for such Person or Persons as shall discover the Longitude at Sea*, the Commissioners therein named, or any Five or more of them have full Power to hear and receive any Proposal or Proposals that shall be made to them, for discovering the said Longitude; and in case the said Commissioners, or any Five or more of them, shall be so far satisfied of the Probility of any such Discovery, as to think proper to make Experiment thereof, they shall certify the same under their Hands and Seals to the Commissioners of the Navy for the time being, together with the Persons Names who are Authors of such Proposals; and upon producing such Certificate, the said Commissioners are thereby authorized and required to make out a Bill or Bills for any Sum of Money, not exceeding Two thousand Pounds, as the said Commissioners for the Discovery of the Longitude, or any Five or more of them, shall think necessary for making the Experiments, payable by the Treasurer of the Navy to such Person or Persons as shall be appointed by the Commissioners for Discovery of the Longitude, to make those Experiments: And for a due and sufficient Encouragement to any such Person or Persons as shall discover a proper Method for finding the said Longitude, it is thereby further enacted, That the Authors or Discoverers of any such Method shall be intitled to the respective Sums therein mentioned, if it determines the said Longitude according to the respective Degrees of Exactness in the said Act described; and that a Moiety of such Reward or Sum shall be due and paid, when the said Commissioners or the major Part of them agree, that such Method extends to the Security of Ships within Eighty Geographical Miles of the Shores, which are Places of the greatest Danger: And whereas it is absolutely necessary for making the Discovery useful at Sea, and for the Security of Ships approaching near the Shoars, that the Chief Ports and Head Lands on the Coasts of *Great Britain* and *Ireland*, and the Islands and Plantations thereto belonging, should be first surveyed, and the Longitude and Latitude of such Places determined more exactly than has hitherto been done: And whereas some Doubts have arisen, whether by the Words of the said Act of Parliament the said Sum of Two thousand Pounds appointed for making such Experiments, or any Part thereof, can be applied for such Survey, or fixing the Longitude or Latitude of such Places;
Enacting Part. be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Commissioners for discovering the Longitude, or any Five or more of them, shall have full Power to apply such Part of the said Sum of Two thousand Pounds mentioned in the said Act, as has not already been laid out in Experiments, as they shall think necessary, for the making such Survey, and determining the Longitude and Latitude of the Chief Ports and Head Lands, on the Coasts of Great Britain and Ireland, and the Islands and Plantations thereto belonging; and that such Sum or Sums, Part of the said Two thousand Pounds, which the said Commissioners, or any Five or more of them shall think necessary, shall be paid immediately by the Treasurer of the Navy, to such Person or Persons as shall be appointed by the said Commissioners for the Discovery of the Longitude, to make such Survey, and determine such Longitude and Latitude, out of the Money that shall be in the Hands of such Treasurer, unapplied, for the Use of the Navy.

CAP.

CAP. XL.

An Act to enable the Commiſſioners for building a Bridge croſs the River *Thames*, from the City of *Weſtminſter* to the oppoſite Shoar in the County of *Surrey*, to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform the other Truſts repoſed in them, and for exchanging of Tickets unclaimed in the *Weſtminſter Bridge* Lottery of the Twelfth Year of His preſent Majeſty's Reign, and for making Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed.

WHEREAS the Money already raiſed for and towards building a Bridge croſs the River *Thames*, from the *Woolſtaple* or thereabouts, in the Pariſh of Saint *Margaret* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*, by virtue of ſeveral Acts of Parliament made in the Reign of His preſent Majeſty, will not be ſufficient to anſwer and defray the Expences of finiſhing and compleating the Building of the ſaid intended Bridge, and the ſeveral other neceſſary Works by the ſaid Acts of Parliament directed to be done and performed; Preamble.

therefore may it pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That for and towards the raiſing a Sum not exceeding Two hundred ſeventy five thouſand Pounds, for the Purpoſes herein mentioned, it ſhall and may be lawful to and for any Perſon or Perſons whatſoever, Natives or Foreigners, Bodies Politick or Corporate, to contribute or advance, for and towards the raiſing the Sum of Two hundred ſeventy five thouſand Pounds, by paying at or before the reſpective Days or Times to be appointed, as hereafter is mentioned in that Behalf, into the Bank of England, or to ſuch Caſhier or Caſhiers as ſhall by the Directors of the Bank be appointed for that Purpoſe, the Sum of Five Pounds, or divers intire Sums of Five Pounds, for which Sum or Sums ſo advanced, he, ſhe, or they ſo advancing the ſame, ſhall be intitled to receive, by virtue of this Act, ſuch Sum or Sums of Money as are hereby directed or appointed; and ſuch Sum or Sums of Five Pounds each, are hereby directed to be paid into the ſaid Bank, or to the Caſhier or Caſhiers to be appointed as aforeſaid, at ſuch Time or Times, and in ſuch Proportions at a Time, on or before ſuch a Day as ſhall by the hereafter mentioned Managers and Directors, be appoined in that Behalf, who are hereby required to give publick Notice of the ſame in the London Gazette. 275,000*l.* to be advanced by 5*l.* Lottery Tickets.

II. **Provided always, and it is hereby further enacted and declared, That it ſhall and may be lawful to and for the ſaid Caſhier or Caſhiers to be appointed as aforeſaid, to allow to every Adventurer upon this Act, who ſhall at any Time ſubſcribe for Fifty of the ſaid Tickets, and make the firſt Payment for the ſame, purſuant to the Directions of this Act, the Sum of Fifty Shillings for every Fifty Tickets ſo ſubſcribed for by any ſuch Adventurer, and in the like Proportion for any greater Number of Tickets; which ſaid Allowance ſhall be paid to the ſaid Subſcribers reſpectively, on or before the Thirtieth Day of** September, **One thouſand ſeven hundred and forty one, out of the Money which ſhall ariſe by virtue of this Act.** Adventurers allowed 2*l.* 10*s.* for every 50 Tickets they ſubſcribe for.

III. **And be it further enacted by the Authority aforeſaid, That ſuch of the Managers and Directors of the Lottery, eſtabliſhed by an Act paſſed in the Ninth Year of the Reign of His preſent Majeſty, intituled,** An Act for building a Bridge croſs the River *Thames*, from the *New Palace-yard* in the City of *Weſtminſter*, to the oppoſite Shore in the County of *Surrey*, **as are now living, ſhall be Managers and Directors for preparing and delivering out Tickets, and to overſee the drawing of the Lots, and to order, do, and perform ſuch other Matters and Things, as are hereafter in and by this Act directed and appointed by ſuch Managers and Directors to be done and performed.** Directors of the former Lottery continued.

IV. **Provided always, and it is hereby further enacted, That every Perſon appointed as aforeſaid to be a Manager and Director for putting this Act in Execution, before his acting in ſuch Commiſſion, ſhall take the Oath following; that is to ſay,**

I *A. B.* do ſwear, That I will faithfully execute the Truſt repoſed in me, and that I will not uſe any indirect Art or Means, or permit or direct any Perſon to uſe any indirect Art or Means, to obtain a Prize or fortunate Lot for myſelf, or any other Perſon whatſoever; and that I will do my utmoſt Endeavour to prevent any undue or ſiniſter Practice to be done by any Perſon whatſoever; and that I will, to the beſt of my Judgement declare to whom any Prize, Lot, or Ticket of Right does belong, according to the true Intent of *An Act to enable the Commiſſioners for building a Bridge croſs the River* Thames, *from the City of* Weſtminſter, *to the oppoſite Shore in the County of* Surrey; *to raiſe a further Sum of Money towards finiſhing the ſaid Bridge, and to perform the other Truſts repoſed in them, and for exchanging of Tickets unclaimed in the* Weſtminſter Bridge *Lottery of the Twelfth Year of His preſent Majeſty's Reign, and for making Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed.* Their Oath.

Which Oath ſhall and may be adminiſtered by ſuch Perſons, and in ſuch Manner, as in and by the ſaid former Acts is in that Behalf ordered and appointed.

V. **And it is hereby further enacted and declared, That ſuch Managers and Directors ſhall meet together from time to time, for the Execution of the Powers and Truſts repoſed in them by this Act, at ſuch Place or Places as ſhall be by them thought moſt convenient; and that the ſaid Managers and Directors, or the major Part of them, ſhall cauſe Books to be prepared, in which every Leaf ſhall be divided and diſtinguiſhed into Three Columns; and upon the innermoſt of the ſaid Columns, there ſhall be printed Fifty five thouſand Tickets, numbered, One, Two, Three, and ſo onwards in arithmetical Progreſſion, where the common Exceſs is to be One, until they ariſe to and for the Number of Fifty five thouſand; and upon the middle Column in every of the ſaid Books ſhall be printed Fifty five thouſand of the ſame Breadth and Form, and numbered in like Manner; and in the extreme Columns in the ſaid Books there ſhall be printed a Third Rank or Series of Tickets, of the ſame Numbers as thoſe of the other Two Columns; which Tickets ſhall ſeverally be of an oblong Figure, and in the ſaid Books ſhall be joined with oblique Lines, Flouriſhes, and Devices, in ſuch Manner as the ſaid Managers and Directors,** Directors to prepare Books for Tickets.

or

or the major Part of them, shall judge most safe and convenient; and that every Ticket in the Third or extreme Columns of the said Books shall have written or printed thereupon (besides the Number of such Ticket) Words to this Effect:

THE Bearer of this Ticket, in case it be drawn a Prize, is intitled to the Prize so drawn, subject to such Deduction as is prescribed by an Act of Parliament in that Behalf.

Books when examined to be delivered to the said Cashier,

And the said Managers and Directors, or so many of them as shall be present at such Meeting as aforesaid, or the major Part of them then present, shall carefully examine all the said Books, with the Tickets therein, and that the same be contrived, numbered, and made according to the true Intent and Meaning of this Act; and shall deliver, or cause to be delivered, the same Books, and every or any of them, as they shall be examined, to the said Cashier or Cashiers, taking from such Cashier or Cashiers an Acknowledgement in Writing, under his or their Hands, importing his or their Receipt of such Book or Books, and so many Tickets therein, as shall be delivered to him or them respectively, that so the said Cashier or Cashiers may be answerable for every one of the Tickets in the extreme Columns, which shall be delivered to him or them; and all and every such Cashier or Cashiers respectively is and are hereby directed and required, upon his or their receiving of every or any intire Sum of Five Pounds, in full Payment for a Ticket, from any Person or Persons contributing or adventuring as aforesaid, to cut out of the said Book or Books so to be put into his or their Custody, through the said oblique Lines, Flourishes, and Devices indenturewise, a Ticket of the Tickets in the said extreme Columns, which the said Cashier or Cashiers shall sign with his or their own Name or Names; and he or they shall permit the Contributor or Adventurer (if it be desired) to write his or her Name

who is to deliver the Tickets.

or Mark on the Two corresponding Tickets in the same Book; and at the same Time the said Cashier or Cashiers shall deliver to the said Contributor or Adventurer the Ticket so cut off, which he, she, or they are to keep and use for the better ascertaining and securing of the Monies which he, she, or they, or his, her, or their Executors, Administrators, or Assigns, may happen to be intitled to in pursuance of this Act, for the Money so by him, her, or them contributed or advanced.

Cashiers to redeliver the Books to the Directors by 15 *Octob.* 1741,

VI. And be it further enacted by the Authority aforesaid, That the said Cashier or Cashiers, on or before the Fifteenth Day of October, which shall be in the Year of our Lord One thousand seven hundred and forty one, shall redeliver to the said Managers and Directors at their Office or Place of Meeting, all the said Books, and therein all the Tickets of the first and second Columns before mentioned, and so many of the said Tickets of the extreme Columns, if any such there be, as the said Cashier or Cashiers shall not have

and give an Account of the Sums received.

delivered to the Contributors or Adventurers as aforesaid; and shall then and there also deliver to the said Managers and Directors, a true and just Account in Writing under his or their Hands, of all and every Sum and Sums of Money accrued or come to the Hands of such Cashier or Cashiers as aforesaid respectively, by or for the Tickets delivered out as aforesaid, and how the same, or how much thereof shall have been actually paid for the Purposes in this Act expressed; and that the said Managers and Directors, or the major

Tickets not disposed of, to be lodged in the Bank.

Part of them which shall be present at a Meeting as aforesaid, shall cause all the Tickets in the said extreme Columns, which shall not have been disposed of to Contributors as aforesaid, to be delivered unto the said Commissioners for building the Bridge, who shall cause the same to be sealed up, and lodged in the Bank of England; and in case the said Commissioners, or any Seven or more of them, shall think proper, and give Notice in the London Gazette within Ten Days after the Delivering of such Tickets as aforesaid, that the same shall be drawn and risqued for the Use and on Account of the Bridge, or other the Purposes appointed by this Act, then the same shall be drawn and risqued on such Account or Accounts accordingly; and in case the Chances arising and resulting in respect of the said Tickets upon the drawing of the said Lottery shall not amount to so many Sums of Five Pounds each as there shall remain Tickets undisposed of, such Deficiency shall be placed to the Account of the said Bridge, on the Debit Side of the said Account; and in case the Chances arising and resulting to, for, or in respect of the said Tickets, shall amount to more than the Sum of Five Pounds for each Ticket to be risqued on Account of the said Bridge as aforesaid, such Surplus or Excess shall be applied for and towards the Charges and Expences of building the said Bridge, and other the Purposes of this Act.

Management of the Tickets of the middle Column.

VII. And it is hereby further enacted, That the Managers and Directors, or the major Part of them as shall be present at such Meeting as aforesaid, shall cause all the Tickets in the middle Columns in the Books which shall be delivered back to them by or from the said Cashier or Cashiers, to be carefully rolled up, and made fast with Thread or Silk; and the said Managers and Directors, or the major Part of them as aforesaid, shall in their Presence, and in the Presence of such Contributors or Adventurers as will be there, cause all the Tickets which are to be so rolled up and made fast as aforesaid, to be cut off indenturewise through the said oblique Lines, Flourishes, and Devices, into a Box to be prepared for that Purpose, to be marked with the Letter (A); which is presently to be put into another strong Box, and to be locked up with Seven different Locks and Keys, to be kept by as many of the said Managers, and to be sealed with their Seals, or the Seals of Seven of them, until the said Tickets are to be drawn as is herein after mentioned; and that the Tickets in the First or innermost Columns of the said Books shall remain still in the said Books for discovering any Mistake or Fraud (if any such should happen to be committed) contrary to the true Intent and Meaning of this Act.

Books of Prizes and Blanks to be prepared.

VIII. And be it further enacted by the Authority aforesaid, That the said Managers and Directors, or the major Part of them which shall be present at any Meeting as aforesaid, shall also prepare, or cause to be prepared, other Books in which the respective Numbers of Prizes and Blanks in this Lottery shall be entered and numbered, to the Amount of Fifty five thousand Tickets; in which Books every Leaf shall be divided or distinguished into Two Columns; and upon the innermost of those Two Columns there shall be printed Fifty five thousand Tickets, all of which shall be of equal Length and Breadth, as near as may be; which

Two

Two Columns in the ſaid Books ſhall be joined with ſome Flouriſh or Device, through which the outermoſt Tickets may be cut off indenturewiſe; and that Thirteen thouſand one hundred twenty five Tickets, Part of thoſe to be contained in the outermoſt Columns of the Books laſt mentioned, ſhall be, and be called The Fortunate Tickets, to which Benefits ſhall belong, as is herein after mentioned; and the ſaid Managers and Directors, or the major Part of them, or ſuch of them as ſhall be preſent at a Meeting as aforeſaid, ſhall cauſe the ſaid Fortunate Tickets to be written upon, as well in Figures as in Words at Length, in Manner following; that is to ſay, Upon Two of them Ten thouſand Pounds, upon Three of them ſeverally Five thouſand Pounds, upon Ten of them ſeverally Two thouſand Pounds, upon every one of Twenty of them ſeverally One thouſand Pounds, upon every one of Forty of them ſeverally Five hundred Pounds, upon every one of Two hundred of them ſeverally One hundred Pounds, upon every one of Five hundred of them ſeverally Fifty Pounds, upon every one of One thouſand of them ſeverally Twenty Pounds, and upon every one of Eleven thouſand three hundred and fifty of them ſeverally Ten Pounds; which Sums ſo to be written upon the ſaid Fortunate Tickets, together with Five hundred Pounds to be allowed to the Owner of the firſt drawn Ticket, and One thouſand Pounds to the Owner of the laſt drawn Ticket, beſides the Benefit which may happen to belong to the Two Tickets laſt mentioned, will amount in the Whole to the Sum of Two hundred ſeventy five thouſand Pounds, the total Sum to be contributed by virtue of this Act, and applied for the Purpoſes therein mentioned. Number and Value of fortunate Tickets.

IX. And be it further enacted by the Authority aforeſaid, That the ſaid Managers and Directors, or the major Part of them who ſhall be preſent at a Meeting as aforeſaid, ſhall cauſe all the ſaid Tickets contained in the outermoſt Columns in the laſt mentioned Books, in the Preſence of the ſaid Managers and Directors, or the major Part of them who ſhall be preſent at a Meeting as aforeſaid, and in the Preſence of ſuch of the Contributors or Adventurers as will then be there, to be carefully rolled up and faſtened with Thread or Silk, and carefully cut out indenturewiſe through the ſaid Flouriſh or Device into another Box to be prepared for this Purpoſe, to be marked with the Letter (B); which Box ſhall immediately be put into another ſtrong Box, and be locked up with Seven different Locks and Keys, to be kept by the ſaid Managers and Directors, and ſealed up with their Seals, or the Seals of Seven of them, until theſe Tickets ſhall alſo be drawn in the Manner and Form herein after mentioned. Management of the Tickets in the outermoſt Columns.

X. And it is hereby further enacted by the Authority aforeſaid, That no Money ſhall be received from any Contributor or Adventurer towards this Adventure as aforeſaid, after the Twenty fifth Day of September, One thouſand ſeven hundred and forty one; and that the whole Buſineſs of rolling up, and cutting off, and putting into the ſaid Boxes the ſaid Tickets, and locking up and ſealing the ſaid Boxes, ſhall be performed by the ſaid Managers and Directors, or ſuch of them as aforeſaid, on or before the Sixteenth Day of November, One thouſand ſeven hundred and forty one: And to the End every Perſon concerned may be well aſſured, that the Counterpart of the ſame Number with his, her, or their Ticket, is put into the Box marked with the Letter (A), from whence the ſame may be drawn, and that other Matters are done as hereby directed, ſome publick Notification in Print ſhall be given of the preciſe Time or Times of cutting the ſaid Tickets into the ſaid Boxes, to the End that ſuch Adventurers as ſhall be minded to ſee the ſame done, may be preſent at the doing thereof. Time for contributing, &c. limited. Publick Notice to be given of the Time of cutting the Tickets into the Boxes.

XI. And be it further enacted by the Authority aforeſaid, That on or before the Twenty third Day of November, One thouſand ſeven hundred and forty one, the ſaid Managers and Directors ſhall cauſe the ſaid ſeveral Boxes, with all the Tickets therein, to be brought into ſome convenient Place, ſuch as ſhall be agreed upon by the major Part of the ſaid Managers and Directors (of which at leaſt Six Days previous Notice ſhall be given in the London Gazette) by Nine of the Clock in the Forenoon of the ſame Day, and placed on a Table there for that Purpoſe; and ſhall then and there ſeverally attend this Service, and cauſe the Two Boxes containing the ſaid Tickets to be ſeverally taken out of the other Two Boxes, in which they ſhall have been locked up; and the Tickets or Lots in the reſpective innermoſt Boxes being, in the Preſence of the ſaid Managers and Directors, or ſuch of them as ſhall be then preſent, and of ſuch Adventurers as will be there for the Satisfaction of themſelves, well ſhaken and mingled in each Box diſtinctly; and ſome One indifferent and fit Perſon, to be appointed and directed by the Managers and Directors aforeſaid, or the major Part of them, or ſuch of them as ſhall be there preſent, ſhall take out and draw One Ticket from the Box where the ſaid numbered Tickets ſhall be as aforeſaid put; and One other indifferent and fit Perſon, to be appointed and directed in like Manner, ſhall preſently take out a Ticket or Lot from the Box where the Thirteen thouſand one hundred twenty five fortunate Tickets, and the remaining Forty one thouſand eight hundred ſeventy five blank Tickets ſhall be promiſcuouſly put as aforeſaid; and immediately both of the Tickets ſo drawn, ſhall be opened, and the Number, as well of the fortunate as blank Tickets, ſhall be named aloud; and if the Ticket taken or drawn from the Box containing the fortunate and blank Lots, ſhall appear to be blank, then the numbered Ticket ſo drawn, with the ſaid blank at the ſame time drawn, ſhall be both put upon One File; and if the Ticket ſo drawn or taken from the Box containing the fortunate and blank Lots ſhall appear to be One of the fortunate Tickets, then the Sum writ upon ſuch fortunate Ticket (whatſoever it be) ſhall be entered by a Clerk, which the ſaid Managers and Directors, or the major Part of them as aforeſaid, ſhall employ and overſee for this Purpoſe, into a Book to be kept for entering the Numbers coming up with the ſaid fortunate Tickets, and the Sums whereunto they ſhall be intitled reſpectively; and Two of the ſaid Managers or Directors ſhall ſet their Names as Witneſſes to every ſuch Entry; and the ſaid fortunate and numbered Ticket ſo drawn together ſhall be put upon another File; and ſo the ſaid Drawing of the Tickets ſhall continue, by taking One Ticket at a time out of each Box, and with opening, naming aloud, and filing the ſame, and by entering the fortunate Lots in ſuch Method as is herein before mentioned, until the whole Number of Thirteen thouſand one hundred twenty five fortunate Tickets, and One more for The Time and Manner of drawing.

for the laſt, as aforeſaid, ſhall be completely drawn; and if the ſame cannot be perfformed in One Day's time, the ſaid Directors and Managers ſhall cauſe the Boxes to be locked up and ſealed in Manner as aforeſaid, and adjourn to the next Day, and ſo from Day to Day, and every Day, except Sundays and Faſt Days, and then open the ſame, and proceed as above, until the ſaid whole Number of fortunate Tickets, and One more, ſhall be completely drawn as aforeſaid; and afterwards the ſaid numbered Tickets ſo drawn, with the fortunate Tickets drawn againſt the ſame, ſhall be and remain in a ſtrong Box, locked up as aforeſaid, and under the Cuſtody of the ſaid Managers and Directors, until they ſhall take them out to examine, adjuſt, and ſettle the Property thereof.

XII. And to the End the Fortunate may know, whether abſent or preſent, to what Degree they have been ſo; be it further enacted by the Authority aforeſaid, That as ſoon as the Drawing is over, the ſaid Managers and Directors are hereby required forthwith to cauſe to be printed and publiſhed the Number of the Tickets drawn againſt each fortunate Ticket, and the Sum written on the ſame: And if any Perſon or Perſons ſhall forge or counterfeit any Ticket or Tickets, Certificate or Certificates, to be made forth on this Act as aforeſaid, or as herein after is mentioned, or ſhall alter any of the Numbers thereof, or ſhall bring any forged or counterfeit Ticket or Certificate, or any Tickets or Certificates, the Number whereof is altered (knowing the ſame to be ſuch) to the ſaid Managers and Directors, or any of them, or the Perſon or Perſons appointed by this Act to pay the ſame, to the Intent to defraud any Contributor or Adventurer, or the Executors, Adminiſtrators, or Aſſigns of any Contributor or Adventurer upon this Act; that then every ſuch Perſon or Perſons (being thereof convicted by due Form of Law) ſhall be adjudged a Felon, and ſhall ſuffer Death as in Caſes of Felony, without the Benefit of Clergy; and the ſaid Managers and Directors, or any Two or more of them, are hereby authorized, required, and impowered to cauſe any Perſon or Perſons bringing any ſuch forged or counterfeit Ticket or Tickets, Certificate or Certificates, as aforeſaid, to be apprehended, and to commit him, her, or them, to His Majeſty's Gaol of Newgate, and to be proceeded againſt for the ſaid Felony according to Law.

Counterfeiting Tickets, Felony.

XIII. And be it further enacted, That for the better encouraging Perſons to advance the ſaid Sum of Two hundred ſeventy five thouſand Pounds, upon the Terms aforeſaid, all Receipts and Iſſues, and all other Things directed by this Act to be perfformed by any Officers or Perſons, ſhall be done and perfformed by them, without demanding or receiving, directly or indirectly, any other Fee, Gratuity, or Reward for the ſame, than what ſhall be allowed by virtue of this Act; and in caſe any ſuch Officer or Perſon ſhall take or demand any Fee or Reward, otherwiſe than as aforeſaid, or ſhall divert or apply any of the Sums to be paid purſuant to this Act, otherwiſe than according to the Intent of this Act, or ſhall not keep Books, and make Entries, and do and perform all other Things which by this Act they are reſpectively required to do and perform, every ſuch Officer ſhall forfeit his Office, and be for the future incapable of any Office or Place of Truſt whatſoever, and ſhall anſwer and pay treble Damages and Coſts of Suit to any Adventurer, or the Executors, Adminiſtrators, or Aſſigns of any Adventurer; or to any other Perſon or Perſons that will ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoign, Wager, or Protection of Law, Injunction, or Order of Reſtraint, or more than One Imparlance ſhall be allowed or granted; and in the ſaid Action, the Plaintiff upon Recovery ſhall have full Coſts, One third Part of which Sum ſo to be recovered, ſhall be paid to the Uſe of the Poor, aged, decayed, and maimed Watermen, and their Widows, of the Pariſh of Saint Margaret and Saint John the Evangeliſt, in Weſtminſter; and the other Two Thirds thereof ſhall be to the Uſe of him, her, or them, who ſhall ſue for the ſame.

Officers to take no Fees.

Penalty on their Default.

XIV. And be it further enacted, That the Money contributed by, or payable to, any Perſon or Perſons upon or by virtue of this Act, ſhall not be chargeable or charged with any Rates, Taxes, Duties, or Impoſitions whatſoever.

The Money contributed or paid to be Tax-free.

XV. Provided always, That it ſhall and may be lawful to and for the Caſhier or Caſhiers to be appointed as aforeſaid, for receiving the Monies to be advanced on this Act as aforeſaid, or any of them, at any time or times before ſuch Caſhier or Caſhiers as aforeſaid ſhall have received any Book or Books from the ſaid Managers and Directors, comprehending the ſaid Tickets in Three Columns as aforeſaid, to receive from any Perſon or Perſons, who ſhall voluntarily offer to contribute or advance any Sum of Five Pounds, or ſeveral Sums of Five Pounds upon this Act, the Monies ſo offered to be contributed or advanced at One intire Payment, or in ſuch Proportions as aforeſaid, within the Time which ſhall be limited and appointed by the ſaid Managers and Directors, before ſuch Caſhier or Caſhiers as aforeſaid ſhall have received ſuch Book or Books; and every ſuch Caſhier as aforeſaid ſhall give a Note or Receipt under his Hand for the Money, or Proportions of Money ſo contributed, and ſhall be obliged thereby, and by this Act, to give the Bearer of every ſuch Note or Receipt, a Ticket or Tickets of the extreme Column of the Three Columns aforeſaid, for every Five Pounds ſo contributed and paid, as ſoon as he ſhall be enabled thereunto by Delivery of any Book or Books to him or them from the ſaid Managers and Directors as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Caſhiers to receive Contributions, and give Receipts.

XVI. Provided alſo, and it is hereby further enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, be and are hereby impowered to make proper Allowances to the Bank of England, for their Labour, Pains, and Service in receiving the Monies ſo to be contributed as aforeſaid; and alſo to grant Orders or Warrants under their Hands for Payment of the Charges and Expences of paſſing this Act, and alſo for Payment of their Clerks and Officers to be employed by and under them, and for the ſeveral Expences and incident Charges attending the Execution of this Act as aforeſaid, to the ſaid Caſhier or Caſhiers to be appointed to receive the Money hereby directed to be raiſed as aforeſaid, who are hereby directed to make Payment thereof out of the ſaid Monies ſo to be received by them as aforeſaid.

Commiſſioners to make Allowances to the Bank.

XVII. Provided always, That it shall and may be lawful to and for the said Cashier and Cashiers so to be appointed as aforesaid, to impress to the said Managers and Directors, or the major Part of them, such Sum or Sums of Money to carry on and discharge from time to time all such incident Expences, as may necessarily attend the Execution of the Trusts hereby in them reposed, in such Manner as the said Commissioners, or any Seven or more of them, shall from time to time think reasonable to direct in that Behalf; and the said Managers and Directors, or the major Part of them, are hereby authorized and directed to give proper Receipts to the Cashier or Cashiers, for the several Sum or Sums of Money they shall receive: In the Management and Disposal whereof, the said Managers and Directors shall observe such Orders, Rules, and Directions, as they shall from time to time receive from the said Commissioners, or any Seven or more of them; and shall from time to time, when thereunto required by Writing under the Hands of the said Commissioners, or any Seven or more of them, exhibit or cause to be exhibited to them a just and true Account of all and every such Sum and Sums of Money as shall be impressed to them the said Managers and Directors, and how the same has been paid and applied; and shall produce, or cause to be produced, proper Vouchers for all such Sums as they shall pay in the Execution of the Trust hereby reposed in them; and shall pay such Balance as shall be remaining in their Hands, to such Person or Persons as the said Commissioners, or any Seven or more of them, shall appoint to receive the same.

Cashiers to impress Money to defray Expences.

Managers to be directed by, and accountable to Commissioners.

XVIII. And be it further enacted by the Authority aforesaid, That out of the Monies to be contributed by this Act, it shall and may be lawful for the said Cashier or Cashiers aforesaid, to pay to each and every of the said Managers and Directors respectively, the Sum of One hundred Pounds each, for and in Consideration of their Labour and Trouble in the Execution of the several Matters herein before directed to be by them done and performed; which said Payment shall be paid within Ten Days after the Drawing of the said Lottery, and that the said Managers and Directors shall, by Writing under their Hands directed to the said Cashier or Cashiers as aforesaid, have certified, that they have put in Execution and compleated the several Trusts and Authorities herein before vested and reposed in them by this Act.

Their Allowance.

XIX. And it is hereby further enacted by the Authority aforesaid, That for raising a Fund for building the said Bridge, and other Purposes herein mentioned, out of the Monies to be contributed upon the Credit of this Act, there shall be deducted out of the whole Sum, to which the Prizes described by this Act, and to be drawn in and result from the said Lottery shall amount unto, the Sum of Forty one thousand two hundred and fifty Pounds, being after the Rate of Fifteen Pounds for every hundred Pounds of such Amount of the said Prizes; and which said Sum of Forty one thousand two hundred and fifty Pounds is intended to be paid, and is hereby reserved to be issued and applied, for the Purposes in this Act mentioned.

15 *l. per Cent.* for every Prize, amounting in the whole to 41,250 *l.* to be deducted.

XX. And to the End that all and every the Payments upon the fortunate Tickets to be drawn in the said Lottery may be more easily and duly made to the Persons who shall be intitled thereto; be it further enacted by the Authority aforesaid, That as soon as conveniently may be, after the said Drawing shall be completed and ended, the said fortunate Tickets so to be drawn as aforesaid shall be exchanged for Certificates to be signed by Three or more of the said Managers and Directors herein after appointed for that Purpose; which Certificate shall be made upon Paper, expressing the Sum or Sums to be paid by virtue and in pursuance of this Act to the Person or Persons intitled to the fortunate Tickets, in lieu whereof such Certificates shall be given; and the said Managers and Directors shall give publick Notice of the Days and Times for taking in the said Tickets, and for delivering out the Certificates for and in lieu of the same; and every Certificate shall be numbered in such Order and Course, as the Tickets for which the same are to be made out shall be brought to the said Managers and Directors; for which Purpose Books shall be kept, wherein shall be entered the Name of every Person or Persons bringing any Ticket or Tickets so to be exchanged, and the Number and Numbers of the Ticket or Tickets which shall be brought by such Person and Persons, and the Day of the Month, and the Year of our Lord, when the same was so brought in; which Book and Books shall lie open in the Office to be appointed for taking in the said Tickets so to be exchanged, to the Intent the same may be perused by all Persons concerned; and also that any Person or Persons may include as many Tickets into one Certificate as they shall think fit; which Certificate shall express in Words at Length such Sum or Sums of Money, as the Tickets, in lieu whereof such Certificate shall be given, shall amount unto, after the Deductions of Fifteen Pounds per Centum thereout in pursuance of this Act, and shall be made out unto, and in the Name of, the respective Person or Persons who shall bring the said Tickets to be exchanged for the said Certificate or Certificates, or whose Names shall be indorsed on the said Tickets, as the Owners or Proprietors thereof; and such Certificate shall intitle the Bearer to such Sum or Sums of Money therein respectively expressed to be due and payable, subject to and after such Deductions as aforesaid, and shall be payable and paid by the said Cashier and Cashiers to be appointed as aforesaid, who are hereby authorized and required to pay the same upon Demand, out of the Monies paid in to them by the Contributors or Adventurers upon this Act.

Fortunate Tickets to be exchanged for Certificates for Payment.

An Account of such Exchanges to be kept.

XXI. And whereas the making and delivering Certificates in Exchange for the said Tickets of the said Lottery, and other Matters and Things directed by this Act to be done and performed by the said Managers and Directors subsequent to the Drawing of the said Lottery, may not necessarily require the Service and Attendance of the whole Number of the Managers and Directors so appointed as aforesaid; be it therefore enacted by the Authority aforesaid, That as soon as conveniently may be, after the Drawing of the said Lottery shall be completed and ended, Fourteen of the said Managers and Directors first named in the said Act of the Ninth Year of the Reign of His present Majesty, as shall be then living, shall be and are hereby authorized and required to exchange the said Tickets for Certificates, and do all other Acts, Matters, and Things, which are by this Act appointed and directed to be done, executed, and performed by the said Managers and Directors subsequent to the Drawing of the Lottery; and all and every the Acts,

14 Commissioners a sufficient Number to act after the Drawing of the Lottery.

Matters, and Things to be done, performed, and executed by the said Fourteen Managers and Directors so appointed as aforesaid, or any Six of them, shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been done, performed, and executed, by all the Managers and Directors appointed by this Act for the Purpose aforesaid; and from thenceforth the rest of the said Managers and Directors first appointed as aforesaid shall be discharged from all future Service and Attendance required from or incumbent upon them by virtue of or under this Act.

Their Allowances when to be paid.

XXII. And be it further enacted by the Authority aforesaid, That the said Cashier or Cashiers, who shall as aforesaid be appointed to receive the Money to be raised by virtue of this Act, shall be and are hereby required, on or before the Twenty fifth Day of March, One thousand seven hundred and forty three, to pay unto the said Fourteen Managers the Sum of One hundred Pounds each for their Labour, Pains, and Attendance in delivering out Certificates in Exchange for the said Tickets, and other the said subsequent Services.

Proprietors to apply for Certificates by 15 *March*, 1742.

XXIII. And be it further enacted, That the Proprietors of such Tickets to be drawn in such Lottery as aforesaid, and each and every of them, shall on or before the Fifteenth Day of March, One thousand seven hundred and forty two, apply to the said Managers and Directors appointed as aforesaid, for Certificates in Exchange for such Tickets as aforesaid.

Cashier to account to the Commissioners.

XXIV. And be it further enacted by the Authority aforesaid, That the said Cashier or Cashiers to be appointed as aforesaid for receiving the Money to be raised by this Act, shall from time to time when thereunto required by Writing under the Hands of the said Commissioners, or any Seven or more of them, exhibit or cause to be exhibited to them a just and true Account of the Monies raised by virtue of this Act, and how the same have been disposed of to the Time of exhibiting such Account.

Residue of the Monies to be applied to the building the Bridge.

XXV. And it is hereby further declared and enacted by the Authority aforesaid, That the Residue of the Money arising and to be contributed by virtue of and upon the Credit of this Act, which after Payment of the Sum and Sums of Money hereby directed to be issued to the Proprietors of the Tickets in the said Lottery, and other the Allowances to be made pursuant to this Act, and the Payment of the Salaries and Rewards to the said Managers and Directors, and the Clerks, Agents, and Officers employed by them, and other the incident Charges and Expences attending the passing and Execution of this Act as aforesaid, will then remain, shall be paid into the Hands of such Treasurer or Treasurers as shall be appointed under the Hands and Seals of the said Commissioners, or any Seven or more of them, pursuant to this Act, at such Times, and by such Sums, as the said Commissioners, or any Seven or more of them, shall from time to time direct and appoint (such Treasurer or Treasurers first giving Security to the said Commissioners, or any Seven or more of them, for the due Application of the said Monies, and accounting for the same) and shall be applied for and towards the erecting and building the Bridge before mentioned, and the repairing, preserving, and supporting the same, and making and widening the Passages and Ways thereto from time to time, and the purchasing such Houses and Ground as by the afore mentioned Acts are directed to be purchased, in such Manner, and at such Times, as the said Commissioners, or any Seven or more of them, shall from time to time direct.

XXVI. And whereas many evil-disposed Persons, out of a Desire of exorbitant Gain, may attempt to defraud ignorant People of their Money, by selling the Chances of Tickets, or by disposing of Shares of Tickets, or by giving Receipts or Notes to be responsible for Money in case certain Tickets prove fortunate, or by laying Wagers whether particular Tickets may be drawn in a certain Time, or may prove fortunate or unfortunate, or by other Ways, Means, or Contrivances, may cheat and delude ignorant People, if sufficient Provision be not made to prevent the same; be it therefore further enacted by the Authority aforesaid, That no Person or Persons shall sell the Chance or Chances of any Ticket or Tickets in the said Lottery, or any Share or Shares in any Ticket or Tickets in the said Lottery, for a Day, or Part of a Day, or for a longer Time, less than the whole Time of drawing the Lottery then to come, or shall receive any Money whatsoever in Consideration of the Repayment of any Sum or Sums of Money in case any Ticket or Tickets in the said Lottery shall prove fortunate, or shall lay any Wager relating to the Drawing of any Ticket or Tickets in the said Lottery, either as to the Time of such Ticket or Tickets being drawn, or whether such Ticket or Tickets be drawn fortunate or unfortunate; and all and every Person and Persons who shall offend in any of the afore mentioned Matters, shall forfeit and pay treble the Sum and Sums of Money which shall have been received by such Person and Persons contrary to the true Intent and Meaning of this Act, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, in which no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; One Moiety thereof to the Use of the poor, aged, decayed, and maimed Watermen, and their Widows, of the Parishes of Saint Margaret and Saint John the Evangelist, in Westminster; and the other Moiety thereof to the Use of him, her, or them, who shall sue for the same.

Penalty on selling Chances of Tickets for less than the whole Time of drawing.

500 *l.* Penalty on selling Interests in Tickets not in the Persons Possession.

XXVII. And be it further enacted by the Authority aforesaid, That if any Person or Persons shall keep any Office or Offices, or shall print or publish any Scheme or Proposal, for receiving any Sum or Sums of Money in Consideration of an Interest to be granted for the same in any Ticket or Number of Tickets in the said Lottery, whereof such Person or Persons shall not then be actually possessed, or in Consideration of any Sum or Sums of Money to be repaid in case any Ticket or Number of Tickets in the said Lottery, which shall not be in the actual Possession of such Person or Persons, shall prove fortunate, all and every such Person and Persons shall forfeit and pay the Sum of Five hundred Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, in which no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; One Moiety thereof to the Use of the poor, aged, and decayed Watermen, and their Widows aforesaid; and the other Moiety

Moiety thereof to the Uſe of him, her, or them, who ſhall ſue for the ſame; and alſo ſhall ſuffer Three Months Impriſonment, without Bail or Mainprize.

XXVIII. Provided always, and it is hereby enacted by the Authority aforeſaid, That in caſe the Number of Fifty five thouſand Tickets in ſuch intended Lottery ſhall not be ſubſcribed for, or ſhall not be agreed and declared by the ſaid Commiſſioners, or any Seven or more of them, to be drawn and riſqued for the Uſe and on Account of the Bridge, within the reſpective Times to be limited, appointed, and declared, purſuant to this Act in that Behalf; then alſo, and in ſuch Caſe, the Governor and Company of the Bank of England, or the Caſhier or Caſhiers by them to be appointed, are hereby authorized and required to repay the Money which ſhall then have been advanced, contributed, and paid in upon the Credit of this preſent Act, to the reſpective Perſon or Perſons who ſhall have ſo advanced, contributed, and paid in the ſame, or to the Perſon or Perſons who ſhall produce the Receipts, ſigned by the ſaid Caſhier or Caſhiers for the ſame. Proviſion, in caſe all the Tickets be not ſubſcribed for.

XXIX. And be it further enacted by the Authority aforeſaid, That all ſuch Coſts and Charges as ſhall be expended in obtaining, or by Reaſon of paſſing this preſent Act, and ſuch Money as ſhall appear to be due to any Perſon or Perſons employed in purſuance thereof, ſhall, as ſoon as may be, be paid out of the Money to be raiſed by virtue thereof, or out of the Monies already raiſed by virtue of any of the ſaid afore mentioned Acts. Charges of obtaining this Act to be ſpeedily diſcharged.

XXX. And whereas by an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty, intituled, *An Act to enlarge the Powers of the Commiſſioners for building a Bridge croſs the River* Thames, *from the* Woolſtaple *or thereabouts, in the Pariſh of Saint* Margaret *in the City of* Weſtminſter, *to the oppoſite Shore in the County of* Surrey, *and to enable them by a Lottery to raiſe Money for the ſeveral Purpoſes therein mentioned, and to enlarge the Time for exchanging Tickets unclaimed in the laſt Lottery for the ſaid Bridge, and to make Proviſion for Tickets in the ſaid Lottery, loſt, burnt, or otherwiſe deſtroyed*, Fourteen of the Managers and Directors of the Lottery in the ſaid Act of the Ninth Year of His preſent Majeſty firſt named, as were then living, were authorized and appointed to exchange the Tickets in the ſaid Lottery for Certificates, and to do all other Acts, Matters, and Things, which were by the ſaid Act appointed or directed to be done, performed, and executed by the ſaid Managers and Directors, ſubſequent to the Drawing of the ſaid Lottery; and the Proprietors of the Tickets to be drawn in the ſaid Lottery were required by the ſaid Act of the Twelfth Year of His preſent Majeſty, to apply to the ſaid Managers on or before the Fifteenth Day of *March*, One thouſand ſeven hundred and forty, for Certificates in Exchange of ſuch Tickets as aforeſaid: And whereas ſeveral of the ſaid Tickets are not yet claimed, and may not be claimed on or before the ſaid Fifteenth Day of *March*, One thouſand ſeven hundred and forty; be it therefore enacted by the Authority aforeſaid, That the Power and Authority veſted in the ſaid Fourteen Perſons, named in, and appointed by the ſaid laſt mentioned Act, ſhall, from and after the ſaid Fifteenth Day of March, One thouſand ſeven hundred and forty, be continued to, and veſted in, ſuch of them as are now living, and the Survivors of them, until the Fifteenth Day of March, One thouſand ſeven hundred and forty one; and they are hereby authorized and required to exchange ſuch of the ſaid Tickets of the ſaid Lottery, as ſhall be claimed and produced to them on or before the ſaid Fifteenth Day of March, One thouſand ſeven hundred and forty one, in ſuch Manner as they are authorized and required to do in and by the ſaid laſt mentioned Act. Act 12 Geo. II. cap. 33. Power of the former 14 Commiſſioners to be continued.

XXXI. And be it enacted by the Authority aforeſaid, That the Governor and Company of the Bank of England ſhall, immediately from and after the Fifteenth Day of March, One thouſand ſeven hundred and forty one, pay unto the Treaſurer to the Commiſſioners for the time being, by Warrant under the Hands of Seven or more of the ſaid Commiſſioners, all ſuch Sum and Sums of Money which ſhall be due on any of the Tickets, which ſhall not be brought to the ſaid Managers, to be exchanged for Certificates, on or before the Fifteenth Day of March, One thouſand ſeven hundred and forty one; and the Receipt of ſuch Treaſurer, ſhall be a full and abſolute Diſcharge to the ſaid Governor and Company of the Bank of England for the Money ſo paid to the ſaid Treaſurer. Bank of *England* to pay to the Commiſſioners Treaſurer Money for old Tickets not come in.

XXXII. And be it further enacted by the Authority aforeſaid, That the Commiſſioners for building the ſaid Bridge, ſhall, and they are hereby impowered to make ſuch Allowances to the ſaid Managers for their Labour, Pains, and Attendance in delivering out Certificates for the ſaid Tickets, or ſuch of them as ſhall be brought to them to be exchanged as aforeſaid, within the Time herein before limited for that Purpoſe, as they the ſaid Commiſſioners, or any Seven or more of them, ſhall judge fitting and reaſonable in that Behalf. Allowance to be made to the Managers, for extraordinary Service.

XXXIII. And whereas ſeveral of the ſaid Tickets in the aforeſaid Lottery, which have not been claimed within the Time limited by the ſaid Act paſſed in the Twelfth Year of His preſent Majeſty, may have been by Caſualty or Miſchance loſt, burnt, or otherwiſe deſtroyed; be it therefore enacted by the Authority aforeſaid, That in all Caſes, where it ſhall appear by Affidavit before any of the Barons of the Exchequer for the time being (who ſhall interrogate the Deponent thereupon) to the Satisfaction of ſuch Baron or Barons, that any of ſuch Ticket or Tickets before the ſaid Fifteenth Day of March, One thouſand ſeven hundred and forty, have been, or are loſt, burnt, or otherwiſe deſtroyed; or that there ſhall be good Reaſon to believe, that the ſame have been loſt, burnt, or otherwiſe deſtroyed; it ſhall and may be lawful for the ſaid Managers and Directors, or any Five or more of them, and they are hereby required to make out a Certificate or Certificates for ſuch Ticket or Tickets ſo loſt, burnt, or otherwiſe deſtroyed, to and for the Perſon and Perſons demanding the ſame, upon their producing a Certificate from any one of the ſaid Barons, of ſuch Affidavit made before him; which Affidavit the ſaid Barons, or any one of them, is and are hereby authorized to take, and which Certificate he or they are hereby required to make and grant without Fee or Reward; and on Security given to the ſaid Managers and Directors, or any Five or more of them, to their good liking, to indemnify them reſpectively againſt all other Perſons whatſoever for or concerning the Monies ſpecified in or due upon ſuch Certificate or Certificates of the ſaid Managers and Directors; and that ſuch Certificates to be made out by the ſaid Managers and Directors purſuant to this Act ſhall intitle the Bearer to the Sum or Sums of Money therein reſpectively expreſſed to be due, and ſhall be payable and paid On Affidavit before a Baron of the Loſs of any Tickets, and Security given to the Managers, the Money ſhall be paid, as if no ſuch Loſs had happen'd.

paid by the Caſhier or Caſhiers of the Bank of England, out of the Monies paid in to them from the Adventurers and Contributors in and to the ſaid Lottery.

XXXIV. And whereas the Commiſſioners for building *Weſtminſter Bridge* are by ſeveral Acts of Parliament paſſed in the Reign of His preſent Majeſty impowered to make, open, deſign, aſſign, and lay out ſuch new Ways, Streets, and Paſſages, as they ſhall find proper to be opened and made on each Side of the River *Thames*, to and from the ſaid intended Bridge, the Courts of Juſtice, both Houſes of Parliament, and the Parts adjacent, and to agree for and purchaſe ſuch Houſes and Grounds as they ſhall find neceſſary to be removed, rebuilt, pulled down, or employed for that Purpoſe, compriſed within certain Bounds and Limits mentioned and deſcribed in an Act paſſed in the Twelfth Year of the Reign of His preſent Majeſty: And whereas for the better and more effectual making the ſaid Ways, Streets, and Paſſages, it is neceſſary and convenient, that the ſaid Commiſſioners ſhould purchaſe and be poſſeſſed of a certain Piece of Ground ſituate in or near *Old Palace Yard*, *Weſtminſter*, which is the Property of the Crown, and cannot be alienated or diſpoſed of for ſuch an Intereſt as may be neceſſary for the Purpoſes aforeſaid; be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Seven or more of them, ſhall have full Power and Authority to agree with the Owner or Owners, Occupier or Occupiers, of all that Piece or Parcel of Ground, commonly called or known by the Name of The Parliament Office Garden, ſituate in or near Old Palace Yard, in the Pariſh of Saint Margaret, in the City of Weſtminſter, containing in Depth from North to South from Old Palace Yard, One hundred and eight Feet or thereabouts; and containing in Breadth from Eaſt to Weſt at the South End thereof, Nine Feet or thereabouts; and containing in Breadth at the North End thereof from Eaſt to Weſt, Twenty four Feet or thereabouts; and to purchaſe and become poſſeſſed of the ſame, and for that Purpoſe to take ſuch Ways, Means, and Methods, as by the ſaid before mentioned Acts they are impowered to take, in order to purchaſe or become poſſeſſed of any other Meſſuages, Lands, and Tenements, or to give and convey to the Owners and Occupiers thereof in exchange for the ſame the like Quantity of Ground near or adjoining thereto; any thing in any of the before mentioned Acts contained to the contrary thereof in any wiſe notwithſtanding: And that it ſhall and may be lawful to and for His Majeſty, His Heirs, and Succeſſors, and to ſuch Perſon or Perſons as is, are, or ſhall be Truſtees for His Majeſty, His Heirs, and Succeſſors, to grant, ſell, convey, alien, and diſpoſe of to the ſaid Commiſſioners, or any Seven or more of them, or to ſuch Perſon or Perſons as they ſhall nominate and appoint in their Behalf, all the ſaid before mentioned Piece or Parcel of Ground, for ſuch Eſtate and Intereſt as is or are veſted in His Majeſty, or to accept, receive, or take in exchange for the ſame, the like Quantity of Ground near or adjoining thereto, notwithſtanding any thing contained to the contrary in the Act of Parliament made in the Firſt Year of the Reign of her late Majeſty Queen Anne, intituled, An Act for the better Support of her Majeſty's Houſhold, and the Honour and Dignity of the Crown.

Commiſſioners may purchaſe Lands, &c. to make new Ways.

Act 1 *Annæ*, *ſtat.* 1. *cap.* 7.

Publick Act.

XXXV. And be it further enacted, That this Act ſhall be a Publick Act, and ſhall be ſo deemed and taken to be, and ſhall and may in all Caſes be given in Evidence on the General Iſſue, and that the ſame need not be ſpecially pleaded.

See further 15 G. 2. c. 26. 17. G. 2. c. 32. 18. G. 2. c. 29. 29. G. 2. c. 38. 30. G. 2. c. 34.

CAP. XLI.

An Act for granting to His Majeſty the Sum of One Million out of the Sinking Fund, and for applying other Sums therein mentioned, for the Service of the Year One thouſand ſeven hundred and forty one; and for allowing a Drawback of the Duties upon Coals uſed in Fire Engines for draining Tin and Copper Mines in the County of *Cornwall*; and for appropriating the Supplies granted in this Seſſion of Parliament; and for making forth Duplicates of Exchequer Bills, Lottery Tickets, and Orders, loſt, burnt, or otherwiſe deſtroyed; and for giving further Time for the Payment of Duties omitted to be paid for the Indentures and Contracts of Clerks and Apprentices.

Preamble.

MOST gracious Sovereign: We Your Majeſty's moſt dutiful and loyal Subjects, the Commons of Great Britain in Parliament aſſembled, being deſirous not only to raiſe ſuch Supplies as are neceſſary to enable Your Majeſty to carry on the preſent War with Succeſs, but alſo to uſe ſuch Ways and Means therein, as that Your Majeſty may have the better and more ſpeedy Effect of the ſaid Supplies, have reſolved to give and grant unto Your Majeſty the Sum of One Million, out of the Surpluſſes, Exceſſes, and Overplus Monies, commonly called The Sinking Fund, towards the Supply granted to Your Majeſty for the Service of the Year One thouſand ſeven hundred and forty one; and to that End and Purpoſe do moſt humbly beſeech Your Majeſty, that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That by or out of ſuch Monies as now are or ſhall from time to time be and remain in the Receipt of the Exchequer, of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called The Sinking Fund (after paying or reſerving ſufficient to pay all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame) there ſhall and may be iſſued and applied a Sum not exceeding the ſaid Sum of One Million, for and towards the Supply granted to His Majeſty for the Service of the ſaid Year One thouſand ſeven hundred and forty one; and the Commiſſioners of His Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, are hereby authorized and impowered to iſſue and apply the ſame accordingly.

Treaſury to iſſue out of the *Sinking Fund* 1,000,000 *l.*

Other Sums appropriated to the Service of the preſent Year.

II. And be it further enacted by the Authority aforeſaid, That the Sum of Thirty nine thouſand five hundred eighty eight Pounds, Ten Shillings, and Ten Pence three Farthings, now remaining in the Receipt of His Majeſty's Exchequer, granted for the Service of the Year One thouſand ſeven hundred and forty, but not applied for the Service of that Year; and alſo the Sum of Eleven thouſand four hundred thirty four Pounds, and Four Shillings, remaining in His Majeſty's Exchequer, reſerved to be diſpoſed of by Authority of Parliament, ſhall and may be iſſued and applied as Part of His Majeſty's Supply

ply granted for the Service of the Year One thouſand ſeven hundred and forty one; any Law, Statute, or Proviſion to the contrary in any wiſe notwithſtanding.

III. And whereas for many Years paſt there have been no conſiderable new Loads or Veins of Tin and Copper diſcovered, and the greateſt and moſt conſiderable Mines of Tin and Copper within the County of *Cornwall* are become do deep, that all Means for the draining Water out of them have already proved ineffectual; and it hath been found by Experience, that under the preſent Duties upon Coals the Application of Fire Engines to the draining the Waters out of the Mines in the ſaid County of *Cornwall* hath been impracticable, from the great Expence attending the ſame: Therefore for the Encouragement of ſuch valuable Works, wherein a great Number of Tinners, Labourers, and Adventurers are employed, and ſubſiſt thereby; be it enacted by the Authority aforeſaid, That from and after the Twenty fourth Day of June, One thouſand ſeven hundred and forty one, for all Coals which ſhall be uſed in Fire Engines, for the draining Water out of the Mines of Tin and Copper, within the ſaid County of Cornwall, and for which Duties have been firſt anſwered and paid, a Drawback ſhall be allowed and made of all ſuch Duties, upon Proof by Oath made before the Cuſtomer or Collector of the ſaid Duties (which Oath he is hereby impowered and required to adminiſter) that ſuch Coals have been ſo uſed and applied, which Drawback of all the ſaid Duties ſhall be returned and paid by the Collector of the ſaid Duties to ſuch Perſon ſo making Proof as aforeſaid.

Coals uſed in the Tin-works in *Cornwall* ſhall be allowed a Drawback of all the Duties.

IV. And whereas it may ſo happen, that there may be a want of Money for carrying on the current Service of the ſaid Year One thouſand ſeven hundred and forty one, before Monies ſufficient may have ariſen into the Exchequer from the ſaid Surpluſſes, to ſatisfy and pay the ſaid Sum of One Million by this Act granted; in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners of his Majeſty's Treaſury, or any Three or more of them now being, or the High Treaſurer, or any Three or more of the Commiſſioners of the Treaſury for the time being, by Warrant under their Hands to permit and ſuffer any Perſon or Perſons, Body or Bodies Politick or Corporate, to advance and lend to his Majeſty at the Receipt of his Exchequer, ſo much Money as together with the Monies then remaining in the ſaid Exchequer of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, commonly called The Sinking Fund, ſhall be wanting to compleat the ſaid Sum of One Million, upon Credit of the growing Produce of the ſaid Surpluſſes, Exceſſes, or Overplus Monies, and to be repaid out of the ſame, as they ſhall quarterly afterwards ariſe together, with an Intereſt for the Forbearance thereof in the mean Time, after a Rate not exceeding Three pounds ten ſhillings per Centum per Annum; any thing herein before contained to the contrary notwithſtanding.

Money to be borrowed on the Sinking Fund at 3 *l.* 10 *s.* *per Cent.* Intereſt.

V. Provided always, and be it further enacted by the Authority aforeſaid, That all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One Act of this Seſſion of Parliament, intituled, An Act for granting an Aid to His Majeſty by a Land Tax to be raiſed in *Great Britain*, for the Service of the Year One thouſand ſeven hundred and forty one; and ſo much Money (if any ſuch be) of the Tax thereby granted as ſhall ariſe or remain after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Land Tax, ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One other Act of this Seſſion of Parliament, intituled, An Act for continuing the Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *England*, and for granting to His Majeſty certain Duties upon Malt, Mum, Cyder, and Perry, in that Part of *Great Britain* called *Scotland*, for the Service of the Year One thouſand ſeven hundred and forty one; and ſo much Money (if any ſuch be) of the Duties thereby granted, as ſhall ariſe or remain after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and all the Monies coming into the Exchequer, either by Loans or Exchequer Bills, upon One other Act of this Seſſion of Parliament, intituled, An Act for granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Seven Years, and for allowing Rock Salt to be uſed in making Salt from Sea Water at the Salt Works at *Meath* in the County of *Glamorgan*; and ſo much Money (if any ſuch be) of the Duties thereby granted and continued, as ſhall ariſe or remain after all the Loans or Exchequer Bills made or to be made on the ſame Act, and all the Intereſt, Premium, or Rate and Charges thereon, and the Charges thereby allowable for raiſing the ſaid Duties ſhall be ſatisfied, or Money ſufficient ſhall be reſerved in the Exchequer to diſcharge the ſame; and alſo the Sum of Thirty nine thouſand five hundred eighty eight pounds, ten ſhillings, and ten pence three farthings, granted for the Service of the Year One thouſand ſeven hundred and forty, but not applied for the Service of that Year; and the Sum of Eleven thouſand four hundred thirty four pounds, four ſhillings, remaining in the Receipt of his Majeſty's Exchequer, reſerved to be diſpoſed of by Authority of Parliament; and the Sum of One million by this Act granted as aforeſaid, ſhall be further appropriated and applied, and are hereby appropriated, for and towards the ſeveral Uſes, Intents, and Purpoſes herein after expreſſed, ſubject nevertheleſs to ſuch Reſtrictions as are herein after preſcribed; that is to ſay,

Application of the Supplies.

Land Tax.

Malt Tax.

Salt Tax.

Money remaining in the Exchequer.

VI. It is hereby enacted and declared, That out of all or any the Aids or Supplies aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Two millions two hundred ſixty four thouſand ſix hundred ninety one pounds, ten ſhillings and ten pence, for or towards the Naval Services herein after more particularly expreſſed; that is to ſay, For or towards defraying the Charge of the Ordinary of his Majeſty's Navy, and for Half-pay to Sea Officers, for or towards Victuals, Wages, Wear and Tear of the Navy, and the Victualling thereof, performed and to be performed; and for or towards Sea Services in the Office of Ordnance performed and to be performed.

2,264,691 *l.* 10 *s.* 10 *d.* for Naval Services.

VII. And it is hereby alſo enacted, That out of all or any the Aids or Supplies as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding

105,275 *l.* 18 *s.* 8 *d.* for Tranſports to carry the Forces to *America*.

exceeding One hundred and five thouſand two hundred ſeventy five pounds eighteen ſhillings and eight pence, for or towards the Charge of Tranſports hired to carry the Forces to America; and any Sum or Sums of Money, not exceeding One hundred twenty four thouſand five hundred ſixty four pounds eight ſhillings and three farthings, for the Expence of Victuals provided for the Soldiers employed in the Expeditions in America.

124,564 *l.* 8 *s.* and three farthings, for Victuals for the Forces in *America*.

VIII. And it is hereby alſo enacted, That out of all or any the Aids or Supplies as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money not exceeding Ten thouſand pounds upon Account, for or towards the Support of the Royal Hoſpital at Greenwich, and for the better Maintenance of the Seamen of the ſaid Hoſpital, worn out and become decrepit in the Service of their Country.

10,000 *l.* to *Greenwich* Hoſpital.

IX. And it is alſo hereby enacted, That out of all or any the Aids or Supplies as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One hundred ninety one thouſand two hundred ninety ſix pounds four ſhillings and eleven pence, for or towards defraying the Charge of the Office of Ordnance for Land Service, performed and to be performed; and for defraying the extraordinary Expence of the Office of Ordnance for Land Services, not provided for by Parliament.

191,296 *l.* 4 *s.* 11 *d.* to the Office of Ordnance.

X. And it is alſo hereby enacted, That out of all or any the Aids or Supplies as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One hundred twenty four thouſand fifty two pounds and five ſhillings, for defraying the Charge of Six thouſand nine hundred and thirty Marines, Commiſſion and Non-commiſſion Officers included, for the Service of the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money not exceeding Ninety thouſand two hundred and one pounds ten ſhillings, for raiſing and maintaining Four thouſand ſix hundred and twenty additional Marines, Commiſſion and Non-commiſſion Officers included, for the Service of the Year One thouſand ſeven hundred and forty one.

124,052 *l.* 5 *s.* for the Marines.

90,201 *l.* 10 *s.* for maintaining additional Marines.

XI. And it is hereby likewiſe enacted, That out of all or any the Aids or Supplies provided as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding One million ſeven hundred and three thouſand one hundred ninety four pounds ſix ſhillings and two pence three farthings, for or towards maintaining his Majeſty's Land Forces, and other Services herein after more particularly expreſſed; that is to ſay, Any Sum or Sums of Money, not exceeding Eight hundred eighty three thouſand one hundred eighty nine pounds two ſhillings and ſix pence, for defraying the Charge of Twenty nine thouſand and thirty three effective Men, Commiſſion and Non-commiſſion Officers included; and alſo including Two Regiments of Foot employed on the Expedition under the late Lord Cathcart, and Two thouſand three hundred twenty two Invalids; for Guards, Garriſons, and other His Majeſty's Land Forces in Great Britain, Guernſey, and Jerſey, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding One hundred ſixteen thouſand three hundred twenty two Pounds four ſhillings and two pence, for raiſing and maintaining Five thouſand ſeven hundred and five additional Land Forces, Commiſſion and Non-commiſſion Officers included, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding Two hundred ſixty ſix thouſand five hundred and twelve pounds ſixteen ſhillings and five pence halfpeny, for maintaining his Majeſty's Forces and Garriſons in the Plantations, Minorca, and Gibraltar, and for Proviſions for the Garriſons at Annapolis Royal, Canſo, Placentia, Gibraltar, and Georgia, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding Four thouſand nine hundred forty eight pounds eighteen ſhillings and four pence upon Account, for the Out-penſioners of Chelſea Hoſpital, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding Thirty ſix thouſand one hundred fifty ſeven pounds nineteen ſhillings, and one peny halfpeny, for defraying ſeveral extraordinary Expences and Services incurred in the Year One thouſand ſeven hundred and forty, and not provided for by Parliament; and any Sum or Sums of Money, not exceeding Fifty three thouſand nine hundred ninety five pounds thirteen ſhillings and four pence, for maintaining a Regiment of Foot raiſed in America, for His Majeſty's Service, conſiſting of Thirty ſix Companies, for the Service of the Year One thouſand ſeven hundred and forty one, commencing the Twenty fifth Day of December, One thouſand ſeven hundred and forty inclusive; and any Sum or Sums of Money, not exceeding Eleven thouſand ſix hundred and eleven pounds, thirteen ſhillings and four pence, for maintaining the Charge of ſeveral Officers appointed by His Majeſty to go with the Forces on Board the Fleet in the Expedition under the Command of the late Lord Cathcart, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding One thouſand two hundred ſeventy ſeven pounds ten ſhillings, for maintaing the Charge of the Staff Officers, appointed by His Majeſty, to attend the Hoſpital eſtabliſhed for the Service of the Expedition under the Command of the late Lord Cathcart, for the Year One thouſand ſeven hundred and forty one; and any Sum or Sums of Money, not exceeding Seventy five thouſand nine hundred fifty two pounds ſeven ſhillings and four pence farthing, for defraying the Expence of Six thouſand Heſſians, taken into his Majeſty's Pay, from the Twenty fifth Day of March exclusive, to the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, inclusive, being two hundred ſeventy five Days; as alſo the Sum of Thirty thouſand two hundred and five pounds fourteen ſhillings and ſeven pence, for what remains unpaid for Levy-money for the ſaid Forces, purſuant to a Treaty dated the Ninth Day of May, One thouſand ſeven hundred and forty; and the Sum of Forty nine thouſand ſix hundred and eight pounds ſix ſhillings and one peny, for what remains payable of the Subſidy for the Six thouſand Heſſians taken into His Majeſty's

1,703,194 *l.* 6 *s.* 2 *d.* 3 farthings, for maintaining the Land Forces; for the Uſes following: *viz.*

883,189 *l.* 2 *s.* 6 *d.* for Guards and Garriſons.

116,322 *l.* 4 *s.* 2 *d.* for 5705 additional Land Forces.

266,512 *l.* 16 *s.* 5 *d.* halfpeny, for Garriſons at *Minorca*, *Gibraltar*, &c.

4,948 *l.* 18 *s.* 4 *d.* for Out-penſioners of *Chelſea* Hoſpital.

36,157 *l.* 19 *s.* 1 *d.* halfpeny for Extraordinary Expences in the Year 1740.

53,995 *l.* 13 *s.* 4 *d.* for a Regiment of Foot in *America*.

11,611 *l.* 13 *s.* 4 *d.* for Officers attending the Forces for Lord *Cathcart*'s Expedition, on Board the Fleet.

1,277 *l.* 10 *s.* for Staff Officers to attend the Hoſpital eſtabliſhed for the ſaid Expedition.

75,95 *l.* 7 *s.* 4 *d.* farthing for Six thouſand *Heſſians*.

30,205 *l.* 14 *s.* 7 *d.* unpaid of the levy Money to the ſaid Forces.

49,608 *l.* 6 *s.* 1 *d.* of the Subſidy for the *Heſſians*.

Majeſty's Pay, to the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, purſuant to a Treaty dated the ſaid Ninth Day of May, One thouſand ſeven hundred and forty; and any Sum or Sums of Money, not exceeding Sixty nine thouſand eight hundred forty one pounds five ſhillings and four pence halfpeny, for defraying the Expence of Six thouſand Danes taken into his Majeſty's Pay, from the Twenty fifth Day of March exclusive to the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, inclusive, being two hundred ſeventy five Days; as alſo the Sum of Twenty five thouſand eight hundred ſeventy five pounds, for what remains unpaid for Levy-money for the ſaid Forces, purſuant to a Treaty dated the Fourteenth Day of March, One thouſand ſeven hundred and thirty nine, New Stile; and alſo the Sum of Forty four thouſand five hundred ſixty nine pounds eight ſhillings and one peny, for what remains payable of the Subſidy for the Six thouſand Danes taken into his Majeſty's Pay, to the Twenty fifth Day of December, One thouſand ſeven hundred and forty one, purſuant to the ſaid Treaty dated the fourteenth Day of March, One thouſand ſeven hundred and thirty nine, New Stile; and any Sum or Sums of Money, not exceeding Twenty nine thouſand three hundred pounds ſeven ſhillings and ſix pence, upon Account of Half-pay to the reduced Officers of his Majeſty's Land Forces and Marines for the Year One thouſand ſeven hundred and forty one, ſubject nevertheleſs to ſuch Rules, to be obſerved in the Application of the ſaid Half-pay, as are herein after preſcribed concerning the ſame; and any Sum or Sums of Money, not exceeding Four thouſand one hundred twenty ſix pounds, for paying of Penſions to Widows of ſuch reduced Officers of his Majeſty's Land Forces and Marines, as died upon the Eſtabliſhment of Half-pay in Great Britain, and who were married to them before the Twenty fifth Day of December, One thouſand ſeven hundred and ſixteen, for the Year One thouſand ſeven hundred and forty one; which ſaid Sum of Four thouſand one hundred twenty ſix pounds, ſhall be iſſued to ſuch Perſon or Perſons, as his Majeſty ſhall by Warrant or Warrants under his Royal Sign Manual direct or appoint to receive the ſame, to be by him or them paid over to ſuch Widows of Half-pay Officers, or their Aſſigns, according to ſuch Eſtabliſhments, Liſts, or other Directions, and with and ſubject to ſuch Conditions, Qualifications, or other Allowances for the ſame, as his Majeſty by ſuch and the like Warrant or Warrants ſhall be graciouſly pleaſed to direct and appoint.

69,841*l.* 5*s.* 4*d.* halfpeny, for Six thouſand *Danes*.

25,875*l.* unpaid of the Levy-money.

44,569*l.* 8*s.* 1*d.* payable of the Subſidy.

29,300*l.* 7*s.* 6*d.* for Half pay Officers.

4126*l.* for Penſions to Officers Widows.

XII. And it is hereby alſo enacted, That out of all or any the Aids or Supplies provided as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Three hundred thouſand pounds, for the further enabling his Majeſty in the moſt effectual Manner to ſupport the Queen of Hungary, for preventing the Subverſion of the Houſe of Auſtria, and for the Maintaining the Pragmatick Sanction, and ſupporting the Liberties and Balance of Power in Europe.

300,000*l.* to ſupport the Queen of *Hungary*.

XIII. And it is alſo hereby enacted, That out of all or any the Aids or Supplies provided as aforeſaid, there ſhall and may be iſſued and applied any Sum or Sums of Money, not exceeding Five thouſand twenty one pounds ten ſhillings and one peny halfpeny, to replace to the Sinking Fund the like Sum paid out of the ſame, to make good the Deficiency of the additional Stamp Duties at Chriſtmas, One thouſand ſeven hundred and thirty nine, purſuant to a Clauſe in an Act of Parliament paſſed in the Fourth Year of his Majeſty's Reign, for raiſing One million two hundred thouſand pounds by Annuities, and a Lottery for the Service of the Year One thouſand ſeven hundred and thirty one; and any Sum or Sums of Money, not exceeding Twenty thouſand pounds, to replace to the Sinking Fund the like Sum paid out of the ſame to the Governor and Company of the Bank of England, for one Year's Intereſt due on or before the Eighth Day of September, One thouſand ſeven hundred and forty, being after the Rate of Four Pounds per Centum per Annum on the Principal Sum of Five hundred thouſand pounds, by them lent on the Credit of the Salt Duties, towards the Supply of the Year One thouſand ſeven hundred and thirty five, purſuant to a Clauſe in an Act of Parliament paſſed in the Eighth Year of his Majeſty's Reign, For granting and continuing the Duties upon Salt, and upon Red and White Herrings, for the further Term of Four Years: and any Sum or Sums of Money, not exceeding Twenty three thouſand ſeven hundred and eleven pounds eight ſhillings and ſix pence, to replace to the ſaid Sinking Fund the like Sum paid out of the ſame, to make good the Deficiency of Twelve ſhillings per Barrel on Sweets or Wines made from Britiſh or Foreign Fruits, or Sugar, at Midſummer, One thouſand ſeven hundred and thirty nine, at Three pounds per Centum per Annum Intereſt on Five hundred thouſand pounds, charged thereon; and any Sum or Sums of Money, not exceeding Four thouſand pounds, towards the repairing and finiſhing the Collegiate Church of Saint Peter, Weſtminſter, and to enable the Dean and Chapter of the ſaid Collegiate Church to purchaſe Three Leaſehold Houſes now ſtanding on the North Side of the ſaid Church, and to pull down the ſame, in order to lay open the whole North Side of the ſaid Church; and any Sum or Sums of Money, not exceeding Ten thouſand pounds, towards the Maintenance of the Britiſh Forts and Settlements belonging to the Royal African Company of England, on the Coaſt of Africa; and there ſhall and may be iſſued to the Truſtees for eſtabliſhing the Colony of Georgia in America, any Sum or Sums of Money, not exceeding Ten thouſand pounds, by them to be applied for the further ſettling and improving the ſaid Colony; and any Sum or Sums of Money, not exceeding Twenty thouſand pounds, for the reſettling and re-eſtabliſhing the unhappy Sufferers of the Province of Carolina, in the late dreadful Fire at Charles Town; and any Sum or Sums of Money, not exceeding Six thouſand two hundred forty nine pounds ſixteen ſhillings and four pence three farthings, to make good the Loſs ſuſtained by ſeveral Merchants, and by the Officers commanding the Six new raiſed Independent Companies of Foot in the Iſland of Jamaica, by the Failure of Maſter Henry Popple, appointed by his Majeſty, Agent to the ſaid Companies; and any Sum or Sums of Money, not exceeding One thouſand eight hundred and ſixteen pounds ſeventeen ſhillings

5,021*l.* 10*s.* 1*d.* halfpeny, to make good the Deficiency of additional Stamp Duties.

20,000*l.* to the Sinking Fund.

23,711*l.* 8*s.* 6*d.* more to the Sinking Fund.

4000*l.* to repairing St. *Peter's Weſtminſter*.

10,000*l.* to the *African* Company.

10,000*l.* to the Colony of *Georgia*.

20,000*l.* to the Sufferers at *Charles Town, Carolina*.

6,249*l.* 16*s.* 4*d.* 3 farthings, for Sums loſt by the Failure of *Henry Popple*.

also 1816 *l.* 17 *s.* 4 *d.* 3 farthings.

shillings and four pence three farthings, to make good the Loss sustained by Richard Fitzwilliam Esquire, Captain of an Independent Company of Foot in the Island of New Providence, on Account of the Pay of the Company under his Command, by the Failure of the said Henry Popple, appointed by His Majesty, Agent to the said Company; and any Sum or Sums of Money, not exceeding Six hundred and fifty Pounds, to make good a Loss sustained by the Receiver General of Scotland, by the Failure of the said Henry Popple.

also 650 *l.*

2625 *l.* 4 *s.* 3 *d.* 3 farthings, to make good the Deficiency of the General Fund.

XIV. And it is hereby also enacted, That out of all of any the Aids or Supplies provided as aforesaid, there shall and may be issued and applied any Sum or Sums of Money, not exceeding Two thousand six hundred twenty five pounds four shillings and three pence three farthings, for making good the Deficiency of the General Fund for the Year ended at Michaelmas, One thousand seven hundred and forty.

XV. And be it further enacted, That the said Aids or Supplies provided as aforesaid, shall not be issued or applied to any Use, Intent, or Purpose whatsoever, other than the Uses and Purposes before mentioned; or for the several Deficiencies or other Payments directed to be satisfied thereout, by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this present Session of Parliament; and as to the said Sum of Twenty nine thousand three hundred pounds seven shillings and six pence, by this Act appropriated on Account of Half-pay as aforesaid, it is hereby enacted and declared by the Authority aforesaid,

Rules for the Application of Half-pay.

That the Rules herein after prescribed, shall be duly observed in the Application thereof; that is to say, that no Person shall have or receive any Part of the same, who was a Minor, and under the Age of Sixteen Years, at the Time when the Regiment, Troop, or Company, in which he served, was reduced; that no Person shall have or receive any Part of the same, except such Persons who did actual Service in some Regiment, Troop, or Company; that no Person having any other Place or Employment of Profit, Civil or Military, under His Majesty, shall have or receive any Part of the said Half-pay; that no Chaplain of any Garison or Regiment, who has any Ecclesiastical Benefice in Great Britain or Ireland, shall have or receive any of the said Half-pay; that no Person shall have or receive any Part of the same, who hath resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by Virtue of any Warrant or Appointment, except to such Persons who would have been otherwise intitled to the same as reduced Officers; and that no Part of the same shall be allowed to any of the Officers of the Five Regiments of Dragoons, and Eight Regiments of Foot, lately disbanded in Ireland, except to such as were lately taken of the Establishment of Half-pay in Great Britain: And whereas by an Act of Parliament made in the Thirteenth Year of His Majesty's Reign, intituled, *An Act for granting to His Majesty the Sum of One Million out of the Sinking Fund, for the Service of the Year One thousand seven hundred and forty, and for enabling His Majesty to raise the further Sum of Two hundred thousand Pounds out of the growing Produce of the said Fund; and for granting to His Majesty the Sum of Twenty one thousand pounds one shilling and eight pence halfpeny, remaining in the Receipt of His Majesty's Exchequer, arisen by Sale of Lands in the Island of St.* Christopher's, *and for the further appropriating the Supplies granted in this Session of Parliament*, several Supplies which had been granted to His Majesty as is therein mentioned, were appropriated to several Uses and Purposes therein expressed; amongst which any Sum or Sums of Money, not exceeding Thirty four thousand five hundred eighty seven pounds, was appropriated to be paid to the reduced Officers of His Majesty's Land Forces and Marines, subject nevertheless to such Rules to be observed in the Application of the said Half-pay, as in and by the aforesaid Act were prescribed in that Behalf.

Act 13 *Geo.* II. *c.* 23.

The Overplus of last Year's Half-pay how to be applied.

Now it is hereby provided, enacted, and declared by the Authority aforesaid, That so much of the said Sum of Thirty four thousand five hundred eighty seven pounds, as is or shall be more than sufficient to satisfy the said reduced Officers, according to the Rules by the said Act prescribed to be observed in the Application thereof, or any Part of such Overplus, shall or may be disposed of to such Officers who are maimed or lost their Limbs in the late Wars, or such others as by Reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity; or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any Thing in this Act, or the said former Act, to the contrary notwithstanding.

XVI. And whereas several Bills, commonly called *Exchequer Bills*, and several Tickets, commonly called *Lottery Tickets*, and also several Orders and Certificates made forth, not only in Lieu of the said Lottery Tickets, but likewise for Annuities of divers Kinds, payable at or near the Receipt of His Majesty's Exchequer, have, by Casualty or Mischance, been lost, burnt, or otherwise destroyed; which Exchequer Bills, Lottery Tickets, Certificates, Annuity Orders, and other Orders of the respective Denominations aforesaid, were made forth by and in pursuance of several Acts of Parliament in that Behalf: Be it there-

Provision for lost Exchequer Bills, Lottery Tickets, &c.

fore enacted by the Authority aforesaid, That in all Cases where it shall appear by Affidavit to be made before any of the Barons of the Exchequer for the time being (who shall interrogate the Deponent thereupon) to the Satisfaction of such Baron or Barons, that any such Exchequer Bills, or any such Tickets, Certificates, Annuity Orders, or other Orders, as aforesaid, before the First Day of August, One thousand seven hundred and forty one, have been or are lost, burnt, or otherwise destroyed, or that there be good Reason to believe the same, have been burnt, lost, or otherwise destroyed, it shall and may be lawful for the respective Officers and Persons appointed to issue or make forth such Exchequer Bills, Tickets, Certificates, Annuity Orders, or other Orders, or to pay or discharge the same, or to issue any Monies due or payable thereon, upon producing a Certificate from any of the said Barons of such Affidavit made before him (which Affidavit the said Barons, or any of them, is and are hereby authorized to take, and which Certificate he or they are hereby required to make and grant without Fee or Reward) and on Security given to the said respective Officers and Persons to their good liking, to indemnify them respectively against all other Persons whatsoever, for and concerning the Monies specified in, or due upon such respective Bill or Bills, Ticket or Tickets, Certificate or Certificates, Order or Orders, they the said Persons

and Officers reſpectively ſhall and are hereby required to make forth Duplicates of the ſaid Bills, Tickets, Certificates, and Orders, at the Requeſt of the reſpective Owners; and to pay and diſcharge the ſame, and all ſuch Intereſt as is or ſhall be due on any of them carrying Intereſt, as he or they ſhould have paid or diſcharged on the ſaid original Bills, Tickets, Certificates, Annuity Orders, or other Orders, if the ſame had been produced, and ſhall be allowed all ſuch Payments in their reſpective Accounts: And in all Caſes where the ſigning of the Commiſſioners of His Majeſty's Treaſury, or the Lord High Treaſurer of Great Britain for the time being, is neceſſary for making the ſaid Duplicates or any of them effectual for the Purpoſes aforeſaid, it is hereby further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners of His Majeſty's Treaſury, or any Three or more of them, or the Lord High Treaſurer for the time being, to ſign ſuch Duplicates accordingly.

XVII. And for the Relief of any Perſon or Perſons who through Neglect or Inadvertency have omitted to pay the ſeveral Rates and Duties, or any Part thereof, upon Monies given, paid, contracted, or agreed for, with or in relation to any Clerk, Apprentice, or Servant, which hath been put or placed to or with any Maſter or Miſtreſs, to learn any Profeſſion, Trade, or Employment, and to have ſuch Indentures, or other Writings, which ſhall contain the Covenants, Articles, Contracts, or Agreements, relating to the Service of ſuch Clerk, Apprentice, or Servant, ſtamped within the Times by the ſeveral Acts of Parliament for thoſe Purpoſes reſpectively limited, or who have alſo in like Manner omitted to inſert and write in Words at length in ſuch Indentures, or other Writings as aforeſaid, the full Sum or Sums of Money, or any Part thereof, received, or in any wiſe, directly or indirectly, given, paid, agreed, or contracted for, with, or in Relation to every ſuch Clerk, Apprentice, or Servant, as aforeſaid; be it enacted by the Authority aforeſaid, That upon Payment of the Rates and Duties upon Monies, or ſuch Part of ſuch Monies ſo neglected or omitted to be paid as aforeſaid, on or before the Firſt Day of Auguſt, One thouſand ſeven hundred and forty one, to ſuch Perſon or Perſons to whom the ſame ought to be paid, and tendering the ſaid Indentures or other Writings to be ſtamped, at the ſame time, or at any time, on or before the Twenty ninth Day of September, One thouſand ſeven hundred and forty one (of which timely Notice is to be given in the London Gazette) the ſame Indentures, or other Writings, ſhall be good and available in Law or Equity, and may be given in Evidence in any Court whatſoever, and the Clerk, Apprentice, or Servant therein named, ſhall be capable of following and exerciſing their reſpective intended Trades or Employments, as fully as if the ſaid Rates and Duties ſo omitted had been duly paid, and the full Sum or Sums received or agreed for as aforeſaid had been inſerted; and the Perſons who have incurred any Penalties by the Omiſſions aforeſaid, ſhall be acquitted and diſcharged of and from the ſaid Penalties; any thing in this or the ſaid former Acts to the contrary in any wiſe notwithſtanding.

Further Time given to Clerks and Apprentices.

CAP. XLII.

An Act for the Preſervation of the Publick Roads in that Part of *Great Britain* called *England*.

WHEREAS the Highways of this Kingdom are greatly damaged and made ruinous by the exceſſive Weights carried thereon; For preventing thereof, be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and forty one, it ſhall and may be lawful to and for all Truſtees appointed, or who ſhall hereafter be appointed, by an Act or Acts of Parliament for the Repairs of any Highway or Highways within that Part of Great Britain called England, or for any Five of them, at any or as many Gate or Gates, Bar or Bars, as they have erected, or ſhall erect, for the receiving of any Toll or Tolls, to order and cauſe to be built or erected any Crane, Machine, or Engine, which they ſhall judge proper, for the weighing of Carts, Waggons, or other Carriages, for the conveying of any Goods or Merchandize whatſoever, and by Writing ſigned by them, or any Five of them, to order all and every or any ſuch Carriage or Carriages, which ſhall paſs through any ſuch Gate or Bar, to be weighed, together with the Loading thereof; and for them, or any Five of them, or for any Perſon or Perſons impowered by them or any Five of them, to receive and take, over and above the Toll already granted, or hereafter to be granted, the Sum of Twenty Shillings a Hundred Weight for every Hundred Weight which every ſuch Cart, Waggon, or Carriage, together with the Loading thereof, ſhall weigh, over and above the Weight of Sixty Hundred; and that the Money ariſing from ſuch additional Duty of Twenty Shillings the Hundred, ſhall be applied to the Repair of ſuch Highway or Highways where ſuch Gate or Gates, Bar or Bars are or ſhall be placed.

Preamble.

13 Car. 1. ſt. 2. c. 5.

Truſtees appointed to repair the Roads, may cauſe Weighing-engines to be erected at the Toll-gates;

24 G. 2. c. 43.

further provided for by 24 G. 2. c. 43.

and ſhall weigh Carriages and Goods;

and take 20 s. a Hundred, for all above 6000 Weight,

to be applied to mending the Roads.

II. Provided always, That from and after the Twenty ninth Day of September, One thouſand ſeven hundred and forty one, it ſhall and may be lawful for any Farmer or other Perſon to carry Goods for Hire, from the Fifteenth Day of April to the Twenty ninth Day of September, in Carriages drawn on Wheels bound with Streaks or Tire of any Breadth; any Law or Statute to the contrary in any wiſe notwithſtanding.

Farmers may carry Goods for Hire, &c.

III. And be it further enacted, That in caſe any Perſon ſhall neglect or refuſe to pay ſuch additional Duty of Twenty Shillings the Hundred as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five of them, or any Perſon or Perſons impowered by them or any Five of them, to levy the ſame by Diſtreſs and Sale of Goods of the Perſon or Perſons ſo neglecting or refuſing, in ſuch Manner as they are impowered to levy any other Toll or Duty which is or ſhall be given by any other Statute or Statutes for Repair of ſuch Highway or Highways where ſuch Cranes, Machines, or other Engines ſhall be placed.

Collectors may ſeize for the additional Duty.

IV. And be it further enacted by the Authority aforeſaid, That if any Perſon or Perſons ſhall or do hinder, or with Force, or otherwiſe attempt to hinder or obſtruct the weighing any

Penalty on Perſons oppoſing the Collectors in their Duty.

any such Cart, Waggon, or Carriage, as aforesaid, or the seizing, distraining, or carrying away any such Distress, or any Matter or Thing which shall be seized, distrained, or taken for Default of Payment of the said additional Toll or Duty of Twenty Shillings the Hundred; or shall rescue the same, or use any Violence to any Person or Persons concerned in such Weighing, Distraining, or Seizure; every such Person shall, on Oath thereof made by One Witness before a Justice of the Peace of the County or Place where such Offence shall be committed or such Offender shall dwell, be sent to the common Gaol of such County or Place for Three Months, and shall forfeit the Sum of Ten Pounds; half thereof to be paid to the Informer, and the other half to be employed in the Repair of the said Highways; which Penalty shall be levied on the Goods of such Person so offending as aforesaid, by a Warrant from such Justice; and if the Penalty be not paid in Three Days after Distress made, the Person who shall be authorized by the said Warrant to make such Distress, may sell the said Goods, and detain out of the Money arising from such Sale the said Penalty of Ten Pounds, returning the Overplus (if any) to the Owner of the said Goods.

What Carriages shall not be weighed.

V. Provided always, That nothing in this Act shall be deemed or construed to extend to Carts, Waggons, or other Carriages employed only about Husbandry, or carrying of only Cheese, Butter, Hay, Straw, Corn unthreshed, or Chalk, or any One Stone, Block of Marble, or Piece of Timber, nor to Caravans, or the covered Carriages of Noblemen and Gentlemen for their private Use, or such Timber, Ammunition, or Artillery as shall be for His Majesty's Service.

VI. And whereas an Act was made in the Fifth Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for making more effectual the several Acts passed for repairing and amending the Highways of this Kingdom*; which hath proved insufficient for that Purpose, by Reason that the said Act extends to such Waggons and Carts only as travel for Hire, and by Reason of many Difficulties in the Manner of convicting and punishing the Offenders against the same; for Remedy whereof, be it enacted by the Authority aforesaid, That the said Act, and all and singular the Clauses, Penalties, and Forfeitures therein contained, shall extend, and be construed to extend to all Waggons and Carts, and to the Owners and Drivers thereof, his and their Horses, with the Geers, Bridles, Halters, and Accoutrements, whether travelling for Hire, or not for Hire, or in any Manner whatsoever; and that all and every Person and Persons who shall offend against the said Act, or this present Act, shall for every such Offence (being thereof convicted upon Oath within the Space of Three Days next after such Offence before any One or more Justice or Justices of the Peace of the County, City, Liberty, or Division, where such Offence shall be committed, or where such Offender or Offenders shall happen to be) severally forfeit, be subject and liable to, the respective Penalties and Forfeitures in the said Act contained; to be levied, recovered, and applied in such Manner, and to such Uses, as in and by the said Act is mentioned and directed; and his and their Horses, with the Geers, Bridles, Halters, and Accoutrements, shall for the Space of Three Days next after such Offence be and remain subject and liable to such Seizures and Distresses, and for the Use and Benefit of such Person and Persons, as they would or might have been, had they been seized or distrained in the Fact, during the Commission of such Offence.

Act 5 *Geor.* I. *c.* 12 strengthened, and made more extensive.

VII. And be it further enacted, That if any Action or Actions shall at any Time or Times hereafter be brought against any Person or Persons whatsoever, for any Matter or Thing which he, she, or they shall do, or cause to be done, by Virtue or in Execution of this Act, that in such Case the Defendant or Defendants in every such Action or Actions shall and may plead the General Issue, and give this Act, and the special Matter in Evidence on any Trial or Trials to be hereafter had in such Action or Actions; and that if the Plaintiff or Plaintiffs in any such Action or Actions shall discontinue such Action or Actions, or become Nonsuit, or if Judgement shall be given against such Plaintiff or Plaintiffs in such Action or Actions, that then the Defendant or Defendants in every such Action or Actions shall recover his or their treble Costs of Suit; any Law, Custom, or Usage whatsoever to the contrary in any wise notwithstanding.

General Issue.

Treble Costs.

CAP. XLIII.

An Act to enable *Thomas Smith* Esq; Lord of the Manor of *Farlington* in the County of *Southampton*, to supply the Town of *Portsmouth*, and Parts adjacent, with good and wholesome Water, at his own proper Costs and Charges.

Preamble.

WHEREAS the conveying good and wholesome Water to the Town of *Portsmouth* in the County of *Southampton*, and the Parts adjacent, will be very desirable, and of great Use and Benefit to the Inhabitants thereof, as well as for the Garison, the publick Offices, and Shipping; May it therefore please Your most Excellent Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for Thomas Smith Esq; Lord of the Manor of Farlington in the County aforesaid, his Heirs and Assigns, at his and their own proper Costs and Charges, to convey Water from certain Springs arising in his said Estate in Farlington by Pipes, by the nearest and most convenient Ways, to and through the said Town of Portsmouth, and through every Street, Lane, and Alley thereof, to the Extremity of a Street called the Point, and also by and through certain Streets and Buildings called the Common, lying near the said Town.

Fresh Water to be brought to *Portsmouth*, from Springs in *Farlington*.

II. And whereas it will be necessary for the said *Thomas Smith*, his Heirs and Assigns, to convey the said Water through the Estate or Estates of divers Persons, Bodies Politick or Corporate, some whereof by Reason of Nonage, Coverture, or other Impediments, are incapable of agreeing with the said *Thomas Smith*, his Heirs and Assigns; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Thomas Smith, his Heirs and Assigns, to lay Pipes in such Manner, as shall be necessary for carrying on and compleating the said Work through the Soil of the King's most Excellent Majesty, His Heirs or Successors, and also through the Ditches

Pipes to be laid through the King's Roads,

Ditches and the Ports of the said Town; and also to dig, cut, and lay such Pipes through the Estate or Estates of any other Person or Persons, Bodies Politick or Corporate whatsoever, and also to cut, remove, and take away every or any Impediment (except Houses, Buildings, Orchards, and Gardens) that may hinder the perfecting the said Work; and also to convey the said Water in Pipes through a Branch or Arm of the Sea called Ports Bridge Lake; and that the said Thomas Smith, his Heirs and Assigns, his, their, and every of their Deputies, Workmen, and Agents, shall, from time to time, and at all Times, as often as Need shall require, have free Liberty and Power of Ingress and Regress, with all Manner of Carts, Carriages, and otherwise howsoever, through the Grounds adjacent, to the Places where the said Pipes shall be so laid, for the necessary Execution and Performance of the said Undertaking; and likewise from time to time, and as often as Need shall require, to lay on any convenient Place all such Materials, Utensils, and Instruments, as shall be necessary for the carrying on, repairing, amending, and maintaining the said Work, and also thereon to prepare the said Materials, as he or they shall think fit: And the said Thomas Smith, his Heirs and Assigns, shall be, and hereby are impowered and authorized to do all such other Acts, Matters, and Things, as he or they shall at any Time think necessary and convenient, for repairing, amending, and improving the said Pipes, at seasonable Hours. and private Estates,

III. Provided always, and be it enacted by the Authority aforesaid, That the said Thomas Smith, his Heirs and Assigns, before he or they shall cut, dig, or alter the Lands of the Inheritance, or in the Possession of any Person or Persons, other than of his Majesty, His Heirs, and Successors, shall first treat with the Owners thereof for Leave so to do; and in case they shall not agree, that then and in such Case, the said Thomas Smith, his Heirs, and Assigns, shall and may proceed to carry on and compleat the said Undertaking, Satisfaction for Damages done, being made in Manner as is hereafter mentioned: And that in Case the said Thomas Smith, his Heirs and Assigns, shall find it needful to lay any Pipes in or near the Highway, it shall and may be lawful so to do, so as he and they do sufficiently and effectually, at his or their own proper Expence, from time to time, repair, amend, and make good such Part of the said Highway, as he or they, or his or their Workmen or Agents shall so break up, as often as Need shall require. And to the Intent that due and reasonable Satisfaction may be given by the said Thomas Smith, his Heirs and Assigns, and all Persons claiming under him, them, or any of them, to all Proprietors, Landholders, and Occupiers, or others who shall receive any Loss or Damage by Reason or Occasion of any Matter or Thing to be done by the Authority, or under the Colour of this present Act, either by carting over, or otherwise using their Grounds as aforesaid, or having the same prejudiced in any Manner whatsoever, by Reason of laying the said Pipes and Materials, and conveying the said Water as aforesaid; be it enacted by the Authority aforesaid, That in case the Parties cannot agree, it shall and may be lawful for the Sheriff of the said County of Southampton, for the time being, and he is hereby authorized and required, upon the Request of the said Thomas Smith, his Heirs or Assigns, to summon before him a Jury of Twelve or more indifferent Men of the Neighbourhood, not interested in the said Undertaking, or in any of the Lands or Grounds through which the said Water is to be conveyed, or upon which any Reservoir is to be made, or any Fountains, Water-houses, or Stop-cocks shall be erected; which Jury, upon the Examination of Witnesses upon Oath (which Oath the said Sheriff is hereby authorized and required to administer) shall, upon their Verdict, determine what Satisfaction shall be given or paid by the said Thomas Smith, his Heirs and Assigns, to any such Person or Persons by whom any such Loss or Damage shall be sustained as aforesaid; Notice being first given by Papers being affixed at the Gates of the said Town of Portsmouth, and also left at the several Dwelling-houses of the Occupiers of Lands or Grounds through which the said Water is to be conveyed; which said Verdicts shall, by the said Sheriff, be transmitted to, and shall be entered by the Clerk of the Peace for the time being, on the Rolls of the Sessions, and shall be kept among the Records of the Sessions of the Peace for the said County, Transcripts whereof shall be delivered by the Clerk of the Peace for the said County, to such Person or Persons as shall require the same; and the same shall be taken and adjudged to be good and sufficient Evidence or Proof in any Court of Law or Equity whatsoever, and shall be final, binding, and conclusive to all Intents and Purposes, against all and every such Person or Persons, Party or Parties whatsoever, their Heirs, Successors, Executors, Administrators, and Assigns, and all others claiming any Interest in the said Lands or Grounds, or any thing thereto belonging, as well Infants, Feme-coverts, Tenants in Tail, Copyholders, as others; and no Certiorari, Writ of Error, or other Process out of His Majesty's Courts of Record, shall be allowed or awarded to remove the same, or any of them. paying for all Damages. Damages to be settled by a Jury. Sheriff to swear Witnesses. Verdicts to be inrolled by the Clerk of the Peace, which shall be binding, and not removed to another Court.

IV. Provided always, That until Payment of such Satisfaction as shall be so agreed to be paid, or shall be so ascertained and assessed by Verdict to or for the Use of the several Persons, or Bodies Politick or Corporate, to whom Satisfaction shall be so agreed or determined to be made, or until Tender thereof made to every such Person, or Bodies Politick or Corporate, his, her, or their known Agents or Receivers, or until Payment thereof to such Person, as the Mayor and Aldermen of the said Town of Portsmouth shall appoint for that Purpose, to and for the Use of such Persons, Bodies Politick or Corporate, it shall not be lawful for the said Thomas Smith, his Heirs or Assigns, or his or their Workmen or Servants, by virtue of this Act, to enter on, dig, break up, or make Use of any Part of the Grounds of any such Person, Bodies Politick or Corporate whatsoever, in order to lay any Pipes, or to make any Reservoir, or erect any Fountains, Water-houses, or Stop-cocks; any thing herein contained to the contrary notwithstanding. Grounds shall not be entered on, till Satisfaction paid.

V. And be it enacted by the Authority aforesaid, That the said Thomas Smith, his Heirs and Assigns, shall and may, from time to time, have full Liberty, Power, and Authority, without Molestation or Disturbance, by his and their Servants and Workmen, to lay Branches from the main Pipes as aforesaid, in or through any of the Streets, Passages, Common Grounds, or Places, in and about the said Town, and Parts adjacent, and also Pipes may be laid through the Streets, &c. of Portsmouth.

also to erect Water-houses, Reservoirs, Fountains, and Stop-cocks, in such Places as to them shall seem most convenient, for the better supplying the Inhabitants thereof; and for the Purposes aforesaid, to break up the Pavements in any of the Streets, Common Grounds, or Places in and about the said Town, and Parts adjacent; and also to dig and sink Trenches for laying and repairing the Pipes and Branches aforesaid, from time to time as Need shall require, he and they filling up the said Trenches, and making good the said Pavements, and taking and carrying away the Rubbish occasioned thereby, as soon as conveniently may be.

Penalty on Persons hindering the Workmen, and damaging the Works.

VI. And for preventing wilful or malicious Acts tending to hinder, interrupt, or destroy the said Water-works, to prevent the Execution of this Act; be it enacted by the Authority aforesaid, That if any Person or Persons shall wilfully and maliciously hinder or interrupt the said Thomas Smith, his Heirs and Assigns, or his or their Agents or Workmen, in conveying the said Water as aforesaid, or shall remove, take away, or destroy any of the said Works or Materials thereunto belonging, or in any wise direct or procure the same to be done, whereby the said Pipes, Works, or Materials, or any Part thereof, shall be damaged; or shall unlawfully carry away or make Sale or Waste of the said Water; such Offender or Offenders shall forfeit and pay to the said Thomas Smith, his Heirs, and Assigns, the Sum of Fifty Pounds, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Privilege, Protection, or Wager of Law, shall be granted, nor more than one Imparlance: And further, the said Thomas Smith, his Heirs and Assigns, shall have Remedies by Bill in the High Court of Chancery, and Injunctions to quiet his and their Possession under the Powers given by this Act.

Power given to *Thomas Smith* by this Act.

Not to damage the Fortifications.

VII. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to impower the said Thomas Smith, his Heirs or Assigns, or any Person employed by him or them, to lay any Pipe or Pipes, or to lay or prepare any Materials, or to dig or erect any Work, in, through, under, near, or upon any of the Fortifications of the said Town, unless the Consent and Approbation of the Master General of the Ordnance for the time being, be first had and obtained for that Purpose.

Proviso, in Behalf of other Springs.

VIII. Provided always, That nothing herein contained, shall extend, or be construed to extend, to restrain His Majesty, His Heirs, or Successors, or any Body Politick or Corporate, or any other Person or Persons whatsoever, from conveying Water by Pipes, or otherwise, into the said Town of Portsmouth, from any Spring or Springs that shall arise near the said Town, for the supplying the Inhabitants thereof, the Places adjacent, and the Garison, publick Offices, and Shipping there, with good and wholesome Water.

Publick Act.

IX. And be it enacted by the Authority aforesaid, That this Act shall be deemed and taken as a Publick Act, and Notice shall be taken thereof as such in all Courts of Justice, and elsewhere, without specially pleading of the same; and the same shall be beneficially expounded for effecting the Purposes aforesaid: And if any Action shall be brought, or Suit commenced against the said Thomas Smith, his Heirs and Assigns, or any Person or Persons acting under him or them, for any thing done pursuant to this Act, or in Relation to the Premisses, the Defendant or Defendants in such Action may plead the General Issue, and give this Act, and the special Matter in Evidence in any Trial to be had thereupon, that the same was done in pursuance of this Act, and by the Authority thereof; and if the same shall appear to have been so done, then the Jury shall find for the Defendant; and if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass, or Judgement upon Demurrer, or otherwise, be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have Remedy for the same as any other Defendant or Defendants hath or have for Costs in any other Cases by Law.

General Issue.

Treble Costs.

FINIS.

THE

TABLE.

Aberbrothock.

A Duty of Two Penies *Scots* upon every Pint of Ale, *&c.* granted to the Town 11 *Geo.* 2. *c.* 4.

Abthorpe.

For making the Chapel a Pariſh Church, 10 *Geo.* 2. *c.* 21.

Adminiſtrators.

Shall make Diſtribution of Eſtates *pur auter vie*, 14 *Geo.* 2. *c.* 20. §. 9.

Admiralty.

To grant Letters of *Marque*, for taking Places, Ships, *&c.* from the Enemies, 13 *Geo.* 2. *c.* 4. §. 2.
Shall in Five Days finiſh the preparatory Examinations in Caſes of Prizes, 13 *Geo.* 2. *c.* 4. §. 3. the Monition to be executed in Three Days, *ibid.* in default of Claim after Twenty Days after Notice, or of giving Security for double Coſts, to proceed to acquit or condemn, and proceed to Sentence in Ten Days, *ibid.* in caſe of remote Witneſſes, *&c.* the Judge ſhall releaſe the Ship, *&c.* upon Security, *ibid.*
Judges and Officers, failing of their Duty with reſpect to Prizes, forfeit 500 *l.* 13 *Geo.* 2. *c.* 4. §. 6.
Judges, *&c.* ſhall have no more than 10 *l.* on Condemnation of a Ship under 100 Tons, and 15 *l.* if above, 13 *Geo.* 2. *c.* 4. §. 7.
Appeal may be made to the Commiſſioners of Appeals in Cauſes of Prizes, within Fourteen Days after Sentence, 13 *Geo.* 2. *c.* 4. §. 8.

Advowſons.

Colleges holding more Advowſons in Number than a Moiety of the Fellows, not capable of purchaſing more, 9 *Geo.* 2. *c.* 36. §. 5.
Grants of Advowſons by Papiſts void, 11 *Geo.* 2. *c.* 17. §. 5.

Aggregate Fund.

Duties on retaled Spirituous Liquors made part of the Aggregate Fund, 9 *Geo.* 2. *c.* 23. §. 17. and the Aggregate Fund charged with 70,000 *l. per Annum* to His Majeſty, §. 18.
The Aggregate Fund charged with the Amount of the late Duties on Woollen or Bay Yarn imported from *Ireland*, 12 *Geo.* 2. *c.* 21. §. 3.

Alehouſes.

Form of a Conviction, for keeping an Alehouſe without Licence, or keeping a diſorderly Houſe, 9 *Geo.* 2. *c.* 23. §. 15.
Penalty for an Alehouſe Man harbouring any Perſon, againſt whom Proceſs has iſſued for Offenſes againſt the Laws of Cuſtoms or Exciſe, 9 *Geo.* 2. *c.* 35. §. 30.

AMERICA. See **Letters of Marque, Plantations.**

Apples.

An additional Duty of 2 *s.* a Buſhel upon foreign Apples, 10 *Geo.* 2. *c.* 27. §. 1.

Apprentices.

Time given for Payment of the Duties, 8 *Geo.* 2. *c.* 12. §. 14. 10 *Geo.* 2. *c.* 27. §. 6. 12 *Geo.* 2. *c.* 19. §. 18. 13 *Geo.* 2. *c.* 28. §. 6. 14 *Geo.* 2. *c.* 41. §. 17.

Appropriation of Supplies.

8 *Geo.* 2. *c.* 23. §. 142, *&c.* 9 *Geo.* 2. *c.* 34. §. 13, *&c.* 10 *Geo.* 2. *c.* 17. §. 28. 11 *Geo.* 2. *c.* 27. §. 17. 12 *Geo.* 2. *c.* 19. §. 10. 13 *Geo.* 2. *c.* 23. §. 12. 14 *Geo.* 2. *c.* 41. §. 5.

ARMY. See **Soldiers.**

Arreſts.

Sheriffs ſhall grant ſpecial Warrants at the Requeſt of the Solicitors of the Cuſtoms or Exciſe, and be indemnified, 9 *Geo.* 2. *c.* 35. §. 32, 33.
The Act for preventing frivolous and vexatious Arreſts, continued, 13 *Geo.* 2. *c.* 18. §. 3.
Soldiers not to be arreſted, but for ſome criminal Matter, or for ſome cauſe of Action amounting to 10 *l.* 14 *Geo.* 2. *c.* 9. §. 54.
See **Debtors.**

ARSON. See **Burning.**

Attainder.

For removing the Diſability of the late Earl of *Seafort*, 8 *Geo.* 2. *c.* 22.

Attornies.

The Act for regulating Attornies and Solicitors, continued, 12 *Geo.* 2. *c.* 13. §. 3.
The not indorſing the Attorney's Name on a Warrant, ſhall not vitiate, 12 *Geo.* 2. *c.* 13. §. 4.
Attornies may uſe common Abbreviations in their Bills, 12 *Geo.* 2. *c.* 13. §. 5.
The Act requiring the Delivery of a Bill before Suit, ſhall not extend to Bills between one Attorney and another, 12 *Geo.* 2. *c.* 13. §. 6.
Perſons not legally admitted, not to ſolicit in County Courts, on Pain of 20 *l.* 12 *Geo.* 2. *c.* 13. §. 7.
Quakers may be admitted, on taking their Affirmation, 12 *Geo.* 2. *c.* 13. §. 8.
No Attorney, being in Priſon, ſhall commence any Suit, 12 *Geo.* 2. *c.* 13. §. 9, 10.

Attornment.

Of Tenants to others, void; except in conſequence of Judgements or Decrees, or with the Conſent of the Landlord, or in caſe of Mortgages forfeited, 11 *Geo.* 2. *c.* 19. §. 11.

Avowry.

May be general, that the Tenant held the Land under a Demiſe, *&c.* 11 *Geo.* 2. *c.* 19. §. 22.

Bail.

The Courts of King's Bench, and Juſticiary in *Scotland*, not reſtrained from bailing Perſons committed for Felonies againſt the Laws of Cuſtoms and Exciſe, 9 *Geo.* 2. *c.* 35. §. 38.

Ballaſt.

The Act for Regulation of Laſtage and Ballaſtage in the River *Thames* continued, 11 *Geo.* 2. *c.* 12.

Bank of England.

One Million paid off, 11 *Geo.* 2. *c.* 27. §. 16.

Bankrupts.

An Act to prevent the committing Frauds by Bankrupts, continued, 9 *Geo.* 2. *c.* 18. §. 2.

Banks.

A Clauſe making it Felony, to cut the Banks of any River, or Sea Banks, continued, 10 *Geo.* 2. *c.* 32. §. 2.
Satisfaction to be made according to 9 *Geo.* 1. *c.* 22. for Damages by cutting Banks, 10 *Geo.* 2. *c.* 32. §. 4.
Penalty on removing Piles or Chalk uſed in Sea Banks, 10 *Geo.* 2. *c.* 32. §. 5.

Bargains and Sales.

Of Lands in the *North Riding* of *Yorkſhire*, how they may be inrolled, 8 *Geo.* 2. *c.* 6. §. 21.
What Covenants ſhall be implied in ſuch Deeds, 8 *Geo.* 2. *c.* 6. §. 35.

Bath.

For paving and lighting the Streets, and regulating the Chairmen, and the Watch, 12 *Geo.* 2. *c.* 20.
For erecting an Hoſpital there, 12. *Geo.* 2. *c.* 31.
Penalties in the Horſe Race Act incurred in *Somerſetſhire*, given to the Hoſpital at *Bath*, 13 *Geo.* 2. *c.* 19. §. 6.

Bedfordſhire.

For amending the Roads there, 9 *Geo.* 2. *c.* 9. 10 *Geo.* 2. *c.* 24. 13 *Geo.* 2. *c.* 9.

Berkſhire.

For repairing the Roads there, 9 *Geo.* 2. *c.* 16, 21. 12 *Geo.* 2. *c.* 11.

Books.

Importing Books firſt printed in this Kingdom, and reprinted abroad, prohibited, 12 *Geo.* 2. *c.* 36. §. 1.
Clauſe in 8 *Ann. c.* 19. impowering the Lord Chancellor, *&c.* to ſet the Price of Books, repealed, 12 *Geo.* 2. *c.* 36. §. 2.

Brandy and Spirituous Liquors.

Retalers to take out a yearly Licence, and pay 50 *l.* 9 *Geo.* 2. *c.* 23. §. 1. On Pain of 100 *l.* §. 2. and to pay a Duty of 20 *s. per* Gallon on what they retale, §. 3. to what Perſons ſuch Licences may be granted, §. 10.
Penalty on paying Servants or Journeymens Wages in Spirituous Liquors, 9 *Geo.* 2. *c.* 23. §. 11.
Penalty on hawking Spirituous Liquors in the Streets, *&c.* 9 *Geo.* 2. *c.* 23. §. 13.
Form of Convictions of retaling Spirituous Liquors, *&c.* 9 *Geo.* 2. *c.* 23. §. 15.
Giving Spirituous Liquors to Servants, deemed retaling, 9 *Geo.* 2. *c.* 23. §. 16.
The Act not to extend to *Aqua vitæ* in *Scotland*, §. 22.
Brandy or Tea, offered to ſale without a Permit, may be ſtopped, 9 *Geo.* 2. *c.* 35. §. 20.
The Penalties in 9 *Geo.* 2. *c.* 23. recoverable by the Exciſe Laws, 10 *Geo.* 2. *c.* 17. §. 8.
Offenders againſt 9 *Geo.* 2. *c.* 23. to be whipped, 10 *Geo.* 2. *c.* 17. §. 9.
Occupiers of Houſes, where Spirituous Liquors are clandeſtinely ſold, to be deemed Retalers, 11 *Geo.* 2. *c.* 26. §. 1.
Riotouſly reſcuing Offenders in retaling Spirituous Liquors, or aſſaulting Informers, Felony, 11 *Geo.* 2. *c.* 26. §. 2.
Actions brought in inferior Courts againſt Perſons executing the Acts againſt Retalers may be removed before Iſſue joined, 11 *Geo.* 2. *c.* 26. §. 3.
Warrants may be granted without Summons for apprehending the Offenders, 11 *Geo.* 2. *c.* 26. §. 4.
Any Perſons may ſeize Hawkers of Spirituous Liquors, until they can give Notice to a Conſtable, Churchwarden, *&c.* 11 *Geo.* 2. *c.* 26. §. 5.
Conſtables, *&c.* neglecting to execute the Acts againſt Retalers, forfeit 20 *l.* 11 *Geo.* 2. *c.* 26. §. 7.
No Diſtiller ſhall act as a Juſtice concerning the Execution of the Acts againſt Retalers, 11 *Geo.* 2. *c.* 26. §. 8.

Bread.

The Act regulating the Aſſize of Bread, continued, 12 *Geo.* 2. *c.* 13. §. 1. and extended to *Scotland*, §. 2.

Bribery.

None to be proſecuted on the Act 2 *Geo.* 2. *c.* 24. unleſs ſerved with Proceſs within Two Years after the Fact, 9 *Geo.* 2. *c.* 38.

Bridges.

For repairing *Windſor* Bridge, 9 *Geo.* 2. *c.* 15.
A Bridge to be built croſs the *Thames* at *Weſtminſter*, 9 *Geo.* 2. *c.* 29. 10 *Geo.* 2. *c.* 16. 11 *Geo.* 2. *c.* 25. 12 *Geo.* 2. *c.* 33. 13 *Geo.* 2. *c.* 16. 14 *Geo.* 2. *c.* 40.
For rebuilding the Bridge at *Lanark*, 10 *Geo.* 2. *c.* 20.
Bridges not to be repaired out of the County Rates, without a Preſentment of the Grand Jury, 12 *Geo.* 2. *c.* 29. §. 13.
For the Maintenance of *Staines* Bridge, 13 *Geo.* 2. *c.* 25.
The Quarter Seſſions may purchaſe Land for enlarging a County Bridge, not exceeding one Acre, 14 *Geo.* 2. *c.* 33. §. 1.

BROKERS AND STOCKJOBBERS.
See **Stockjobbing.**

Buckinghamſhire.

For repairing the Roads there, 9 *Geo.* 2. *c.* 11. 13 *Geo.* 2. *c.* 9.
Power given to the Juſtices, to raiſe Money for paying the Debts contracted for building the Gaol, 10 *Geo.* 2. *c.* 10.

Burning.

Of Coal Mines, Felony without Clergy, 10 *Geo* 2. *c.* 32. §. 6.

Cadiz.

The Payment of Conſulage there enforced, 9 *Geo.* 2. *c.* 25.

Callicoes.

The Act prohibiting the Wear of them, not to extend to Fuſtians, provided the Warp be intirely Linen, 9 *Geo.* 2. *c.* 4.

Canterbury.

For amending the Highways there, 9 *Geo.* 2. *c.* 10.

CAROLINA. See **Plantations.**

Cattle.

To ſteal Sheep or other Cattle, or kill them with Intent to ſteal any Part of the Carcaſes, or to aſſiſt in ſuch Offenſe, Felony without Clergy, 14 *Geo.* 2. *c.* 6. §. 1.

Certiorari.

Not to be granted for removing Proceedings againſt Offenders in forcibly paſſing Turnpikes, *&c.* 8 *Geo.* 2. *c.* 20. § 16.
Not to be granted, unleſs applied for within Six Kalendar Months after the Proceedings, and upon Oath of Six Days Notice to the Juſtices, 13 *Geo.* 2. *c.* 18. § 5.

Chancery.

The Stamp Duty on Writs, granted for the Relief of the Suitors, continued, 9 *Geo.* 2. *c.* 32.
A Sum of 35,000 *l.* Part of the Suitors Caſh, to be placed out at Intereſt, for raiſing a Salary to the Accountant General in lieu of his Fees, 12 *Geo.* 2. *c.* 24.

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Cheſhire.

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For rebuilding *Gainsburgh* Church, 9 *Geo.* 2. *c.* 22. 14 *Geo.* 2. *c.* 15.
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A Duty of One Farthing a Chalder for repair of *Whitby* Pier, 8 *Geo.* 2. *c.* 10.
Setting Coal Mines on Fire, Felony without Clergy, 10 *Geo.* 2. *c.* 32. § 6.
The Price to be ſet by the Lord Mayor and Aldermen of *London* for one Year, 11 *Geo.* 2. *c.* 15.
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Conjuration.

The Acts made in *England* and *Scotland* againſt Conjuration and Witchcraft repealed, 9 *Geo.* 2. *c.* 5. § 1, 2.
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Conſtables, *&c.* neglecting to execute the Acts againſt retaling Spirituous Liquors, forfeit 20 *l.* 11 *Geo.* 2. *c.* 26. § 7.
Penalty on their taking Money to excuſe from quartering Soldiers, 14 *Geo.* 2. *c.* 9. § 56.
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The Payment of it at *Cadiz* and *Port Saint Mary*'s enforced, 9 *Geo.* 2. *c.* 25.
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Of Lands in the *North Riding* of *Yorkſhire*, to be regiſtred, 8 *Geo.* 2. *c.* 6.

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Dealers in Leather may buy tanned Leather in Fair or Market, and cut and ſell the ſame in ſmall Pieces, 12 *Geo.* 2. *c.* 25. § 1.
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The Hundred to make Satisfaction for ſuch Damages, not exceeding 100 *l.* as in Caſes of Robbery, 11 *Geo.* 2. *c.* 22. § 5.
What Notice to be given to the Hundred, 11 *Geo.* 2. *c.* 22. § 6.
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His Royal Highneſs impowered to make Leaſes of Land Parcel of his Dutchy of *Cornwall*, 11 *Geo.* 2. *c.* 29. § 9.
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Implied in Deeds of Bargain and Sale of Lands in the *North Riding* of *Yorkſhire*, 8 *Geo.* 2. *c.* 6. § 35.

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The Juſtices are to make one Rate, inſtead of the ſeveral County Rates directed by former Statutes, 12 *Geo.* 2. *c.* 29. § 1.
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The County Rates to be paid to the High Conſtables out of the Poors Rates, 12 *Geo.* 2. *c.* 29. § 2. or levied by the Conſtables, where there is no Poors Rate, § 3. and in Eight *Northern* Counties, § 4.
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County Treaſurers removeable at the Pleaſure of the Quarter Seſſions, 12 *Geo.* 2. *c.* 29. §. 11.
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Certiorari not to be granted to remove County Rates, but upon Motion, *&c.* 12 *Geo.* 2. *c.* 29. §. 21.

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Forfeit 5 *l.* on Neglect of currying Leather for Dealers, 12 *Geo.* 2. *c.* 25. §. 4.
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Clauſes relating to Goods taken in at Sea, and for preventing running of Goods and the Danger of Infection thereby, *&c.* continued, 8 *Geo.* 2. *c.* 21. §. 3, 4.
The Acts for Relief of Debtors not to relate to Perſons taken by *Capias* for running Goods, 8 *Geo.* 2. *c.* 24. §. 3.
Ships not to be privileged on Account of a Moiety of their Loading being Fiſh, unleſs it be taken and cured by His Majeſty's Subjects, 9 *Geo.* 2. *c.* 33. §. 3.
Perſons guilty of Offenſes againſt the Laws of Cuſtoms and Exciſe before 27 *April*, 1736, indemnified, 9 *Geo.* 2. *c.* 35. §. 1.
Officers diſcharged againſt Perſons claiming the Indemnity, 9 *Geo.* 2. *c.* 35. §. 3.
Perſons liable to be tranſported, and claiming the Indemnity, and afterwards committing ſuch Offenſes, to ſuffer as Felons without Benefit of Clergy, 9 *Geo.* 2. *c.* 35. §. 7.
Perſons to the Number of Three, aſſembled for running Goods, and armed, to be tranſported as Felons, 9 *Geo.* 2. *c.* 35. §. 10.
Two or more carrying foreign Goods within Five Miles of the Sea or a navigable River, and armed, *&c.* to be deemed Runners of Goods, and tranſported as Felons, 9 *Geo.* 2. *c.* 35. §. 13.
Perſons lurking within Five Miles of the Sea, *&c.* on Oath that they are there with Intent to be aſſiſting in the running of Goods, to be committed to the Houſe of Correction, and whipped, 9 *Geo.* 2. *c.* 35. §. 18.
Watermen, Porters, *&c.* employed in running Goods, to forfeit treble Value, 9 *Geo.* 2. *c.* 35. §. 21.
Tea, and Brandy in ſmall Caſks, found in Ships coming from foreign Parts and within Two Leagues of the Shore, forfeited, 9 *Geo.* 2. *c.* 35. §. 22.
Foreign Goods taken in at Sea within Four Leagues of the Coaſt, without Payment of Cuſtoms, forfeited, and the Ship if not above 100 Tons, 9 *Geo.* 2. *c.* 35. §. 23.
Penalty on offering to bribe an Officer, 9 *Geo.* 2. *c.* 35. §. 24.

Goods concealed after the Maſters Report, forfeited, 9 *Geo.* 2. *c.* 35. §. 27.
Indictments, &c. for Aſſaults upon Officers, may be in any County, 9 *Geo.* 2. *c.* 35. §. 26.
Perſons forcibly hindring Officers, &c. on Board of Ship, to be tranſported, 9 *Geo.* 2. *c.* 35. §. 28.
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Penalty on Alehouſe-keepers, for harbouring Offenders againſt the Laws of Cuſtoms or Exciſe, after Notice of their abſconding in the *Gazette*, 9 *Geo.* 2. *c.* 25. § 30, 31.
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In Trials of Seizures, the Seizure ſhall be taken to be made as ſet forth in the Information, without Evidence, 9 *Geo.* 2. *c.* 35. § 34.
What Force Officers may uſe againſt Perſons armed, 9 *Geo.* 2. *c.* 35. § 35.
King's Bench and Juſticiary in *Scotland*, not reſtrained from bailing Perſons committed for Felony by this Act, 9 *Geo.* 2. *c.* 35. § 38.
Foreign Sail Cloth to be ſtamped by the Commiſſioners of the Cuſtoms, 9 *Geo.* 2. *c.* 37. § 2.
An additional Duty of 2 *s. per* Buſhel upon foreign Apples, 10 *Geo.* 2. *c.* 27. § 1.
The Drawback upon Exportation of foreign Paper taken away, 10 *Geo.* 2. *c.* 27. § 4.
Reward upon Exportation of *Britiſh* Sail Cloth how to be paid, 10 *Geo.* 2. *c.* 27. § 5.
Foreign Oyſters rated to the Subſidy at 7 *d.* the Buſhel, 10 *Geo.* 2. *c.* 30. § 2. and no Drawback upon Exportation, § 4.
The Duties upon Woollen or Bay Yarn, imported from *Ireland*, taken off, 12 *Geo.* 2. *c.* 21. § 1. but not to diſcharge Worſted Yarn, or Cruel, § 4.

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Debtors.

The Acts for their Relief with Reſpect to the Impriſonment of their Perſons, continued, 8 *Geo.* 2. *c.* 24. § 1. 14 *Geo.* 2. *c.* 34. § 1.
Thoſe Acts not to relate to Perſons taken by *Capias* for running Goods, 8 *Geo.* 2. *c.* 24. § 3.
Not be relieved, unleſs their Petition be preſented before the End of the firſt Term, after they are charged in Execution, 8 *Geo.* 2. *c.* 24. § 2.
The Clauſe relating to mutual Debts amended and made perpetual, 8 *Geo.* 2. *c.* 24. § 4.
Affirmation of Quakers to be taken upon thoſe Acts, 8 *Geo.* 2. *c.* 24. § 6.
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Fugitive Tradeſmen and Seamen relieved, 10 *Geo.* 2. *c.* 26. § 11.
Debtors owing above 500 *l.* to one Perſon, excepted, 10 *Geo.* 2. *c.* 26. § 29.
The Time given by 10 *Geo.* 2. *c.* 26. enlarged, 11 *Geo.* 2. *c.* 9.

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For incorporating the Undertakers of the River *Dee*, 14 *Geo* 2. *c.* 8.

Deerſtealing.

Penalty of Tranſportation on the ſecond Offenſe in Foreſt or Chaſe, 10 *Geo.* 2. *c.* 32. § 7.
The like Penalty of Tranſportation on coming armed into Foreſt, Chaſe, or Park, with Intent to hunt, and beating the Keeper, 10 *Geo.* 2. *c.* 32. § 9.

Derbyſhire.

For amending the Highways there, 11 *Geo.* 2. *c.* 33. 12 *Geo.* 2. *c.* 12.

Derwentwater Eſtate.

The Monies received appropriated to the finiſhing *Greenwich* Hoſpital, 8 *Geo.* 2. *c.* 29. § 1.
The Tenants to pay their Fines on the Death of the King, 11 *Geo.* 2. *c.* 30. § 1.
Directions for ſelling the Timber, 11 *Geo.* 2. *c.* 30. § 3.
For Diſcharge of Incumbrances by Sale of Lands, 11 *Geo.* 2. *c.* 30. § 4.
For opening and leaſing of Mines, 11 *Geo.* 2. *c.* 30. § 5.
The Tenants to produce their Writings relating to Fines and Services, 11 *Geo.* 2. *c.* 30. § 6.

Diſtillers.

Who were ſo on the 25th *March*, 1726, permitted to follow any other Trade, 9 *Geo.* 2. *c.* 23. § 21.
But this not to affect the Privileges of the Univerſities with Reſpect to granting Wine Licences, 10 *Geo.* 2. *c.* 19. § 2, &c.
Diſtillers not to act as Juſtices concerning the Acts againſt retaling Spirituous Liquors, 11 *Geo.* 2. *c.* 26. § 8.

See **Brandy.**

DISTRESS. See **Rents.**

Diſtribution.

Eſtates *pur auter vie* ſhall be diſtributable, 14 *Geo.* 2. *c.* 20. § 9.

Doncaſter.

For amending the Highways there, 14 *Geo.* 2. *c.* 31.

Dover.

For repairing the Harbour there, 11 *Geo.* 2. *c.* 7.

Drapery.

Makers of narrow Woollen Cloths in the *Weſt Riding* of *Yorkſhire*, to mark them, 11 *Geo.* 2. *c.* 28. § 1. the Cloths to be meaſured and ſearched, § 1, 3. Penalty on over-ſtretching, § 6.
The Juſtices at the Quarter Seſſions for the *Weſt Riding* may chooſe Meaſurers and Searchers of Woollen Cloth, 14 *Geo.* 2. *c.* 35. § 1.
When and in what Manner the Cloths are to be marked and ſealed in the *Weſt Riding*, 14 *Geo.* 2. *c.* 35. § 3, &c.

See **Fuſtians, Wooll.**

Dumfreis.

A Duty of Two Penies *Scots* upon Ale, &c. granted to the Town, 10 *Geo.* 2. *c.* 7.

Dun.

For improving the Navigation of the River, 13 *Geo.* 2. *c.* 11.

Dunbar.

A Duty of Two Penies *Scots* upon Ale, &c. granted to the Town, 10 *Geo.* 2. *c.* 4.

Ealing.

For finiſhing the Church there, 12 *Geo.* 2. *c.* 7.

East India Company.

An Act for ſecuring the Trade to the *Eaſt Indies* continued, 12 *Geo.* 2. *c.* 18. § 4.

Edinburgh.

A Fine impoſed on the Corporation, 10 *Geo.* 2. *c.* 34. § 3.

Ejectments.

Tenants receiving Ejectments ſhall give Notice to their Landlords, on Pain of Three Years Impriſonment, 11 *Geo.* 2. *c.* 19. § 12.

Landlord may be made Defendant in Ejectment without the Tenant, 11 *Geo.* 2. *c.* 19. § 13.

Juſtices may put the Landlord in Poſſeſſion, where the Tenant is a Year in Arrear, and no Diſtreſs to be had, 11 *Geo.* 2. *c.* 19. § 16.

Elections.

Of the Regiſter for the *North Riding* of *Yorkſhire* to be by Ballot, 8 *Geo.* 2. *c.* 6. § 4.
See **Parliament.**

Eſſex.

For amending the Highways there, 10 *Geo.* 2. *c.* 36.

Eſtates pur auter vie.

Shall be diſtributed by an Adminiſtrator, 14 *Geo.* 2. *c.* 20. § 9.

Evidence.

Copies of Inrolments of Deeds and Wills affecting Lands in the *North Riding* of *Yorkſhire* made by the Regiſter, ſhall be allowed in Evidence, 8 *Geo.* 2. *c.* 6. § 21.

Inhabitants of the Hundred to be admitted as Witneſſes at Trials on the Statutes of *Hue* and *Cry*, 8 *Geo.* 2. *c.* 16. § 15.

Purchaſers in Poſſeſſion may, after Twenty Years, produce the Deeds making a Tenant to the *Præcipe*, as Evidence of a Recovery, 14 *Geo.* 2. *c.* 20. § 4.

Exchequer Bills.

Proviſion for Exchequer Bills and Orders, and Lottery Tickets, burnt or loſt, 14 *Geo.* 2. *c.* 41. § 16.

Exciſe.

Powers granted to the Commiſſioners and Officers with Reſpect to Retalers of Spirituous Liquors, 9 *Geo.* 2. *c.* 23. § 4, *&c.*

Impoſed upon Sweets and Made Wines, 10 *Geo.* 2. *c.* 17.
See **Cuſtoms.**

Felony and Felons.

A Reward of 10*l.* for apprehending a Felon, ſo as to indemnify the Hundred, 8 *Geo.* 2. *c.* 16. § 9.

Deſtroying Turnpikes for repairing Highways, or Works for making Rivers navigable, erected by Authority of Parliament, Felony without Clergy, 8 *Geo.* 2. *c.* 20. § 1. but not to work Corruption of Blood, § 4.

An Act making it Felony to ſteal Bonds or Notes, revived and made perpetual, 9 *Geo.* 2. *c.* 18. § 1.

Attempting to deſtroy *Weſtminſter* Bridge, *&c.* Felony without Benefit of Clergy, 9 *Geo.* 2. *c.* 29. § 5.

Inliſting His Majeſty's Subjects in the Service of a foreign Prince, Felony without Benefit of Clergy, 9 *Geo.* 2. *c.* 30. § 1. in what Manner Offenders diſcovering others, ſhall be indemnified, § 3.

Felony in Watermen to take in too great a Number of Perſons, when a Paſſenger is drowned, 10 *Geo.* 2. *c.* 31. § 8.

The Act for puniſhing wicked Perſons going armed in Diſguiſe, *&c.* (called the *Black Act*) continued, 10 *Geo.* 2. *c.* 32. § 1.

The Act making it Felony to cut the Banks of any River or Sea Banks continued, 10 *Geo.* 2. *c.* 32. § 2.

The Act making it Felony to cut Hop Binds continued, 10 *Geo.* 2. *c.* 32. § 3.

Second Offenſe of Deerſtealing in Foreſts, *&c.* Tranſportation, 10 *Geo.* 2. *c.* 32. § 7.

Same Penalty on coming armed, *&c.* with Intent to hunt, and beating the Keeper, 10 *Geo.* 2. *c.* 32. § 9.

Damaging Corn in Granaries for Exportation, or a ſecond Offenſe in violently hindring the buying or carrying of Corn, Felony, 11 *Geo.* 2. *c.* 22. § 2.

Riotouſly reſcuing Offenders in retaling Spirituous Liquors, or aſſaulting Informers, Felony, 11 *Geo.* 2. *c.* 26. § 2.

Incorrigible Rogues breaking out of the Houſe of Correction, Felony, 13 *Geo.* 2. *c.* 24. § 10.

To ſteal Sheep or other Cattle, or kill them with Intent to ſteal any Part of the Carcaſes, or to aſſiſt therein, Felony without Clergy, 14 *Geo.* 2. *c.* 6. § 1. and a Reward of 10*l.* to be paid upon Conviction, § 2, 3.

For Felony againſt the Laws of Cuſtoms and Exciſe, ſee **Cuſtoms.**

FENS. See **Marſhes.**

Ferrybridge.

For amending the Highways there, 14 *Geo.* 2. *c.* 28.

Fiſh.

A Penalty impoſed on the Importers of freſh Fiſh taken by Foreigners, againſt the Act 1 *Geo.* 1. *c.* 18. and upon the Maſter of the Ship, 9 *Geo.* 2. *c.* 33. §. 1.

Ships not privileged in the Cuſtoms, for a Moiety of their Loading being Fiſh, unleſs the Fiſh be taken and cured by His Majeſty's Subjects, 9 *Geo.* 2. *c.* 33. §. 3.

A Penalty on taking Lobſters on the Coaſt of *Scotland*, from 1 *June*, to 1 *Sept.* 9 *Geo.* 2. *c.* 33. §. 4.

Foreign Oyſters rated to the Subſidies at 7*d. per* Buſhel, 10 *Geo.* 2. *c.* 30. §. 2. and no Drawback upon Exportation, §. 4.
See **Greenland, Salt.**

FOREIGN STATES. See **Felony, Soldiers.**

FORESTS. See **Deerſtealing.**

Forgery.

Of a Memorial, *&c.* of a Deed or Will affecting Lands in the *North Riding* of *Yorkſhire*, to be puniſhed, 8 *Geo.* 2. *c.* 6. §. 31.

An Act for further puniſhing Forgery, Perjury, *&c.* revived and made perpetual, 9 *Geo.* 2. *c.* 18. §. 1.

Fortunetellers.

To be puniſhed by Impriſonment, Pillory, and binding to the good Behaviour, 9 *Geo.* 2. *c.* 5. §. 4.

Deemed Vagabonds, 13 *Geo.* 2. *c.* 24. §. 3.

FOUNDLINGS. See **Hoſpitals.**

Fuſtians.

The Act prohibiting the wear of Callicoes, not to extend to Stuff made of Linen Yarn and Cotton Wooll, manufactured in *Great Britain*, provided the Warp be intirely Linen, 8 *Geo.* 2. *c.* 4.

See **Manufactures.**

Gainſburgh.

For rebuilding the Church there, 9 *Geo.* 2. *c.* 22. 14 *Geo.* 2. *c.* 15.

Game.

Penalty on Officers and Soldiers deſtroying the Game, 14 *Geo.* 2. *c.* 9. §. 39.

See **Deerſtealing, Wildfowl.**

Gaming.

The Ace of Hearts, Pharaoh, Baſſet, and Hazard, declared to be Lotteries, 12 *Geo.* 2. *c.* 28. §. 2. the Act not to hinder Gaming in the Palaces, where His Majeſty reſides, §. 10.

Paſſage, and all other Games with Dice (Backgammon, *&c.* excepted) declared to be within the Meaning of the Act againſt Lotteries by Dice, 13 *Geo.* 2. *c.* 19. §. 9.

See **Lotteries.**

Gaols.

For building a Gaol at *Maidſtone* for the *Weſtern* Diviſion of *Kent*, 9 *Geo.* 2. *c.* 12.

Gaol of *Buckinghamſhire* veſted in the County, 10 *Geo.* 2. *c.* 10. §. 4.

GENERAL ISSUE. See **Pleading.**

GEORGIA. See **Plantations.**

Glaſgow.

A Duty of Two Penies *Scots*, upon Ale, *&c.* granted to the Town, 9 *Geo.* 2. *c.* 31.

Glouceſterſhire.

For amending the Highways there, 12 *Geo.* 2. *c.* 11.

For ſupplying the City of *Glouceſter* with freſh Water, 14 *Geo.* 2. *c.* 11.

Gold and Silver.

The Standard, limited in the Act, to be kept, on pain of 10 *l.* or the Houſe of Correction, 12 *Geo.* 2. *c.* 26. §. 1.

Shopkeepers not privy to the Fraud, and diſcovering the Workmen, are diſcharged, 12 *Geo.* 2. *c.* 26. §. 3.

Penalty of 10 *l.* on ſelling Plate unmarked, 12 *Geo.* 2. *c.* 26. §. 5.

What Wares need not be marked, 12 *Geo* 2. *c.* 26. §. 6.

Penalty of 100 *l.* on counterfeiting the Marks, 12 *Geo.* 2. *c.* 26. §. 8.

A Note to be ſent with Plate to the Aſſay Office, 12 *Geo.* 2. *c.* 26. §. 9.

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A Clauſe, making it Felony to cut them, continued, 10 *Geo.* 2. *c.* 32. §. 2.

Damages to be made good as by 9 *Geo.* 1. *c.* 22. for cutting Hop-binds, 10 *Geo.* 2. *c.* 32. §. 4.

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No Perſon to run any Horſe, unleſs his own Property; or more than one Horſe for the ſame Plate, 13 *Geo.* 2. *c.* 19. §. 1.

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The Hundred to make good the Damages of deſtroying Turnpikes, or Works of navigable Rivers, 8 *Geo.* 2. *c.* 20. § 6. if Information made, and Suit commenced, within the preſcribed Time, § 9, 10.

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Huntingtonſhire.

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The Words [*upon the true Faith of a* Chriſtian] to be omitted out of the Oath to be taken by *Jews* for their Naturalization in the Plantations, 13 *Geo.* 2. *c.* 7. §. 3.

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Invernes.

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The Ports of Exportation and Importation of Wooll and Woollen Goods from *Ireland* limited, 12 *Geo.* 2. *c.* 21. § 5.

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The Commiſſioners of Exciſe in *Ireland* impowered to try Offenſes againſt 7 *Geo.* 1. *c.* 21. relating to the landing *India* Goods there not ſhipped in *Great Britain*, 12 *Geo.* 2. *c.* 22. § 3.

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To commit Deſerters, 14 *Geo.* 2. *c.* 9. § 41.

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For naturalizing her Royal Highneſs the Princeſs, 9 *Geo.* 2. *c.* 24, 28.

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Lanark.

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The Admiralty ſhall grant Commiſſions for the taking any Places, Ships, *&c.* belonging to Enemies, 13 *Geo.* 2. *c.* 4. § 2.

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The Commiſſioners for Diſcovery of the Longitude may apply 2000*l.* for determining the Longitude and Latitude of the chief Ports and head Lands of *Great Britain*, *&c.* 14 *Geo.* 2. *c.* 39.

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Poor Lunaticks may be paſſed and confined by Order of Two Juſtices, 13 *Geo.* 2. *c.* 24. § 24.

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For amending the Highways there, 9 *Geo.* 2. *c.* 7.
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For making the River *Medway* navigable, 13 *Geo.* 2. *c.* 26.

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Acts for continuing the Duty upon Malt, 8 *Geo.* 2. *c.* 1. 9 *Geo.* 2. *c.* 1. 10 *Geo.* 2. *c.* 1. 11 *Geo.* 2. *c.* 1. 12 *Geo.* 2. *c.* 1. 13 *Geo.* 2. *c.* 1. 14 *Geo.* 2. *c.* 2.

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For amending the Highways there, 8 *Geo.* 2. *c.* 3.

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Manufacturers in Woollen, Linen, Fuſtian, Cotton, or Iron, imbeziling Materials, whether made up or not, ſhall forfeit double Value, and in Default of Payment be committed to the Houſe of Correction and whipt; and for a ſecond Offenſe, four times the Value, *&c.* 13 *Geo.* 2. *c.* 8. § 1.
Receivers of ſuch Materials ſubject to the ſame Penalties, 13 *Geo.* 2. *c.* 8. § 2.
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Workers in Leather to be paid their Wages in lawful Coin only, and to forfeit double Damage in caſe of Neglect, 13 *Geo.* 2. *c.* 8. § 6.
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For draining *Cawdle* Fen, *&c.* in the Iſle of *Ely*, 11 *Geo.* 2. *c.* 34.
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For making the River navigable, 13 *Geo.* 2. *c.* 26.

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But one County Rate to be made for *Middleſex* and *Weſtminſter*, 12 *Geo.* 2. *c.* 29. § 15.

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To be taken by Computation, for the Diſtance of the Refineries of Rock Salt from the Pits, 8 *Geo.* 2. *c.* 12. § 2.

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The Coinage Duty continued, 12 *Geo.* 2. *c.* 5. § 1.

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Of Lands in the *North Riding* of *Yorkſhire*, how to be regiſtred and diſcharged, 8 *Geo.* 2. *c.* 6. § 32.

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Lands, or Money to be laid out in Lands, not to be given to charitable Uſes; except by Indenture executed Six Kalendar Months before the Death of the Grantor and inrolled in Chancery, and in caſe of Stocks by Transfer Six Months before the Donor's Death,

Death, and to take Effect in Poſſeſſion without Revocation, 9 *Geo.* 2. *c.* 36. § 1.
Purchaſes for valuable Conſideration not reſtrained by this Act, 9 *Geo.* 2. *c.* 36. § 2.
The Univerſities and ſome Schools excepted, § 4.
Colleges ſeized of more Advowſons in Number than a Moiety of the Fellows, not to purchaſe more Advowſons, 9 *Geo.* *c.* 36. § 5.

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Concealing the Murderers of Captain *Porteous*, Felony, 10 *Geo.* 2. *c.* 35. § 3.

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Foreign Seamen ſerving Two Years on Board of *Britiſh* Ships, during the War, to be deemed natural born Subjects, 13 *Geo.* 2. *c.* 3. § 2.
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Foreign Oyſters rated to the Subſidy at 7 *d.* the Buſhel, 10 *Geo.* 2. *c.* 30. § 2. and no Drawback upon Exportation, § 4.

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Paving, Watching, Lighting.

Of *Oxford Street*, 8 *Geo.* 2. *c.* 8.
The Nightly Watch in St. *James Weſtminſter*, and St. *George Hanover Square*, regulated, 8 *Geo.* 2. *c.* 15.
For adorning and watching *Lincoln's Inn Fields*, 8 *Geo.* 2. *c.* 26.
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The Common Council to direct the Lighting the City of *London*,, and the Aldermen, &c. to make Rates, 9 *Geo.* 2. *c.* 20.
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The Common Council to regulate the Nightly Watch in *London*, 10 *Geo.* 2. *c.* 22. § 1, &c.
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Untenanted Ground to be paved, and the next Occupier to pay the Charge, 10 *Geo.* 2. *c.* 22. § 19.
For ſetting up Poſts for Foot Paſſages, 10 *Geo.* 2. *c.* 22. § 21.
The Nightly Watch in *Saffron Hill*, *Hatton Garden*, and *Ely Rents* regulated, 10 *Geo.* 2. *c.* 25.

For

For lighting and watching the Pariſh of *Chriſt Church* in *Middleſex*, 11 *Geo.* 2. *c.* 35.

Perjury.

Committed concerning the Regiſtry of Conveyances or Wills affecting Lands in the North Riding of *Yorkſhire*, to be puniſhed, 8 *Geo.* 2. *c.* 6. § 31.
An Act for further puniſhing Forgery, Perjury, *&c.* revived and made perpetual, 9 *Geo.* 2. *c.* 18. §. 1.

PERSIA. See **Ruſſia.**

Phyſicians.

A Reward of 5000 *l.* to *Joanna Stephens* for diſcovering a Medicine diſſolving the Stone, 12 *Geo.* 2. *c.* 23.

Pilots.

An Act, and a Clauſe in another Act, for regulating Pilots at *Deal*, *&c.* continued, 8 *Geo.* 2. *c.* 21. §. 2.

Plantations.

The Act for exporting of Rice from *Carolina* to any Part of *Europe* South of *Cape Finiſterre*, continued, and extended to *Georgia*, 8 *Geo.* 2. *c.* 19.
The Act for encouraging the Growth of Coffee there continued, 11 *Geo.* 2. *c.* 18. §. 1.
The Act for ſecuring the Trade of the Sugar Colonies continued, 11 *Geo.* 2. *c.* 18. §. 2.
Commanders of Privateers ſhall be ſubject to the Laws in *America* for preventing the carrying off Servants, *&c.* 13 *Geo.* 2. *c.* 4. §. 20.
Foreigners reſiding Seven Years in the Plantations, and taking the Oaths, *&c.* to be deemed natural born Subjects, 13 *Geo.* 2. *c.* 7. §. 1.
Liſts of Perſons qualifying, to be ſent yearly by the Secretaries of the Colonies to the Commiſſioners for Trade, *&c.* 13 *Geo.* 2. *c.* 7. §. 5.
An Act for Preſervation of His Majeſty's Woods in *America*, and Encouragement of the Importation of Naval Stores from thence, continued, 13 *Geo.* 2. *c.* 28. §. 1.
The Act 6 *Geo.* 1. *c.* 18. againſt unlawful Undertakings and Subſcriptions extended to *America*, with additional Penalties; and the Bank attempted to be ſet up there ſuppreſſed, 14 *Geo.* 2. *c.* 37.
See **Admiralty, Letters of** Marque, **Sugar Colonies.**

PLAYS AND GAMES. See **Stage Players.**

Pleadings.

The ſetting off of mutual Debts, where one of them is upon a Penalty, to be pleaded, 8 *Geo.* 2. *c.* 24. §. 5.
In Actions of Treſpaſs or Caſe, againſt Perſons intitled to Rents or Services, *&c.* relating to any Entry, Diſtreſs, *&c.* they may plead the General Iſſue, and ſhall have double Coſts, 11 *Geo.* 2. *c.* 19. § 21.
See **Avowry.**

Pontefract.

For amending the Highways there, 14 *Geo.* 2. *c.* 23.

Port St. Mary's.

The Payment of Conſulage there enforced, 9 *Geo.* 2. *c.* 25.

Portſmouth.

For ſupplying the Town with freſh Water, 14 *Geo.* 2. *c.* 43.

Prints.

The Property veſted in the Inventors for 14 Years, 8 *Geo.* 2. *c.* 13.

Priſons and Priſoners.

Treaſurers of Counties ſhall by the Firſt Day of Trinity Term yearly pay to the Perſons appointed by the Lord Chief Juſtice of *England*, and the Knight Marſhal, the Money due to the *King*'s *Bench* and *Marſhalſea* Priſons, 11 *Geo.* 2. *c.* 20. §. 1. or may be compelled thereto by Rule, *&c.* §. 2.
For veſting the Eſtate of *Hugh Naiſh* Eſq; in Aſſignees, 11 *Geo.* 2. *c.* 38.
No Attorney being in Priſon ſhall commence any Suit, 12 *Geo.* 2. *c.* 13. §. 9, 10.
The Method of raiſing the Money for the poor Priſoners in the *King*'s *Bench* and *Marſhalſea* Priſons altered by the Statute of County Rates, 12 *Geo.* 2. *c.* 29. §. 22, 23.
See **Debtors, Gaols.**

PRIVILEGE. See **Parliament.**

Prizes.

The Officers, Seamen, *&c.* ſhall have the ſole Property of all Prizes, 13 *Geo.* 2. *c.* 4. §. 1.
Directions for the Trial and Condemnation of Prizes, 13 *Geo.* 2. *c.* 4. §. 3, *&c.*
Agents for Prizes to be choſen by the Captors, 13 *Geo.* 2. *c.* 4. §. 10.
The Treaſurer of the Navy ſhall pay to the Officers, Seamen, *&c.* on Board Ships of War or Privateers in any Action where any Ship of War or Privateer ſhall have been taken from the Enemy or deſtroyed, 5 *l.* for every Man on Board ſuch Prize, *&c.* at the Beginning of the Engagement, 13 *Geo.* 2. *c.* 4. §. 15.
The Captures of Flota Ships, or Galleons, or Regiſter Ships bound from *Buenos Ayres* or *Honduras*, to be tried only in the High Court of Admiralty, 13 *Geo.* 2. *c.* 4. §. 17.
Forfeitures on taking Prizes by colluſion, 13 *Geo.* 2. *c.* 4. §. 19.
Penalty on Privateers taking *Spaniſh* Goods by colluſion, 13 *Geo.* 2. *c.* 27. §. 3.
See **Admiralty, Salvage.**

Quakers.

Their Affirmation to be taken, upon the Acts for Relief of Debtors, 8 *Geo.* 2. *c.* 24. §. 6.
May be admitted Attornies, on taking their Affirmation, 12 *Geo.* 2. *c.* 13. §. 8.

Reading.

For amending the Highways there, 9 *Geo.* 2. *c.* 16.

RECOGNIZANCES. See **Judgements.**

Recoveries.

Shall be valid without the Surrender of Leaſes for Life, 14 *Geo.* 2. *c.* 20. §. 1.
The Deed creating the Tenant to the *Præcipe*, may be given in Evidence of a Recovery, by a Purchaſer in Poſſeſſion, after Twenty Years, 14 *Geo.* 2. *c.* 20. §. 4.
Common Recoveries, after Twenty Years, ſhall be valid, though the Deeds making the Tenant to the Writ do not appear, 14 *Geo.* 2. *c.* 20. §. 5.
Shall be good, where the Fines are levied, or the Deeds executed, before the End of the Term, 14 *Geo.* 2. *c.* 20. §. 6.

Red Lion Square.

To be adorned, &c. 10 *Geo.* 2. *c.* 15.

Regiſter.

For Lands in the North Riding of the County of *York*, 8 *Geo.* 2. *c.* 6.
See York.

Rents.

Goods clandeſtinely carried off by Tenants to prevent Diſtreſs, may be diſtrained for Rent within 30 Days, 11 *Geo.* 2. *c.* 19. §. 1. but not Goods ſold *bona fide*, §. 2.
Fraudulently removing Goods, or aſſiſting therein, forfeits double the Value, 11 *Geo.* 2. *c.* 19. §. 3.
If the Goods exceed not 50 *l.* two Juſtices may convict, 11 *Geo.* 2. *c.* 19. §. 4.
Landlords, with the Conſtable, &c. may break open an Out-houſe, to diſtrain concealed Goods; and a Dwelling-houſe, with a Juſtices Warrant, 11 *Geo.* 2. *c.* 19. §. 7.
Landlords may diſtrain and ſell Stock on the Common, and Crops growing, 11 *Geo.* 2. *c.* 19. §. 8.
Diſtreſſes for Rent may be impounded on the Premiſſes chargeable, 11 *Geo.* 2. *c.* 19. §. 10.
Where the Demiſe is not by Deed, the Landlord may recover a reaſonable Satisfaction in an Action on the Caſe, 11 *Geo.* 2. *c.* 19. §. 14.
Executors of Tenants for Life dying on or before the Day of Payment ſhall have an Action on the Caſe againſt the Under-tenants for a proportional Part of the Rent, 11 *Geo.* 2. *c.* 19. §. 15.
Tenants holding over their own Warning, to pay double Rent, 11 *Geo.* 2. *c.* 19. §. 18.
Diſtreſs for Rent due, not unlawful for any Irregularity afterwards, but the Tenant to recover Satisfaction for the Irregularity, in Treſpaſs or Caſe, 11 *Geo.* 2. *c.* 19. §. 19. unleſs Tender of Amends be made, §. 20.
In Actions againſt Perſons intitled to Rents or Services, relating to any Entry, Diſtreſs, &c. they may plead the General Iſſue, and ſhall have double Coſts, 11 *Geo.* 2. *c.* 19. §. 21.

Replevin.

The Plaintiffs Bonds to the Sheriff, &c. may be aſſigned to the Avowant, 11 *Geo.* 2. *c.* 19. §. 23.
See Avowry.

Return of Writs.

Sheriffs ſhall appoint Deputies in or near Liberties at the Requeſt of the Lords of the Liberties, 13 *Geo.* 2. *c.* 18. §. 6.

Rewards.

For apprehending Smugglers, 9 *Geo.* 2. *c.* 35. §. 11, 15.
For convicting Sheep Stealers, 14 *Geo.* 2. *c.* 6. §. 2, 3.
For apprehending Deſerters, 14 *Geo.* 2. *c.* 9. §. 42.
See Felons.

Rice.

The Act for exporting it from *Carolina* to any Part of *Europe* South of *Cape Finiſterre*, continued, and extended to *Georgia*, 8 *Geo.* 2. *c.* 19.
Rice excepted out of the Prohibition of exporting Corn, 14 *Geo.* 2. *c.* 3. §. 1.

Rivers.

Deſtroying Works erected by Authority of Parliament for making Rivers navigable, Felony without Benefit of Clergy, 8 *Geo.* 2. *c.* 20. §. 1.
Perſons guilty of drawing up Flood Gates, to be ſent to the Houſe of Correction for a Month, 8 *Geo.* 2. *c.* 20. § 2. the Hundred to make good the Damages, § 6. if Information made, and Suit commenced, within the preſcribed Time, § 9, 10.
A former Act, for puniſhing the pulling down of Works for making Rivers navigable, continued, 13 *Geo.* 2. *c.* 18. §. 1.
For making *Worſley Brook* navigable, 10 *Geo.* 2. *c.* 9.
For making the River *Rodon* navigable, 10 *Geo.* 2. *c.* 33.
For improving the Navigation of the River *Lee*, 12 *Geo.* 2. *c.* 32.
For improving the Navigation of the River *Dun*, 13 *Geo.* 2. *c.* 11.
For making the River *Medway* navigable, 13 *Geo.* 2. *c.* 26.
For making navigable the Chanel from *Colcheſter* to *Wivenhoe*, 13 *Geo.* 2. *c.* 30.
For incorporating the Undertakers of the Navigation of the River *Dee*, 14 *Geo.* 2. *c.* 8.
See Wears.

ROADS. See Highways.

ROBBERY. See Hue and Cry.

Rocheſter.

For amending the Highways there, 9 *Geo.* 2. *c.* 7. 11 *Geo.* 2. *c.* 37.

Rodon.

River to be made navigable, 10 *Geo.* 2. *c.* 33.

Rotheram.

For amending the Highways there, 14 *Geo.* 2. *c.* 31.

RUNNING OF GOODS. See Cuſtoms.

Ruſſia.

Perſons free of the *Ruſſia* Company may import from *Ruſſia* Raw Silk or other Goods of the Produce of *Perſia*, being purchaſed with the Produce of Woollen Manufactures, 14 *Geo.* 2. *c.* 36. §. 1.

Rye.

For repairing the Harbour there, 11 *Geo.* 2. *c.* 7.

Sacrament.

No Perſon (except *Quakers* and *Jews*) ſhall be naturalized by reſiding Seven Years in the Plantations, unleſs they receive the Sacrament in ſome Proteſtant Congregation within Three Months before their taking the Oaths, 13 *Geo.* 2. *c.* 2.
See Teſt Act.

Sail Cloth.

An Act for encouraging that Manufacture, continued, 8 *Geo.* 2. *c.* 18. §. 1.
Foreign Sail Cloth imported, to be ſtamped at the Cuſtom Houſe, 9 *Geo.* 2. *c.* 37. §. 1, 5.
Britiſh Sail Cloth to be ſtamped by the Maker, 9 *Geo.* 2. *c.* 37. §. 3.
Britiſh Ships ſhall at their firſt out-ſet be furniſhed with one Set of Sails made of *Britiſh* Cloth, on Penalty of 50 *l.* 9 *Geo.* 2. *c.* 37. §. 4.
The Weight and Dimenſions of *Britiſh* Sail Cloth, 9 *Geo.* 2. *c.* 37. §. 6, 7.
Sail Cloth Yarn not to be whitened with Lime, 9 *Geo.* 2. *c.* 37. §. 7.

Reward upon Exportation of *Britiſh* Sail Cloth how to be paid, 10 *Geo.* 2. *c.* 27. §. 5.
The Act 9 *Geo.* 2. *c.* 37. for encouraging and regulating the Manufacture of *Britiſh* Sail Cloth, *&c.* continued, 13 *Geo.* 2. *c.* 28. §. 2.

Saint Albans.

For amending the Roads there, 8 *Geo.* 2. *c.* 9.

Saliſbury.

For paving, watching, and lighting the City, 10 *Geo.* 2. *c.* 6.

Salt.

The Duties continued, 8 *Geo.* 2. *c.* 12. 14 *Geo.* 2. *c.* 22.
Rock Salt may be refined within Ten computed Miles of the Pit, 8 *Geo.* 2. *c.* 12. §. 2.
Foreign Salt not to be delivered to the Curers of Fiſh for Exportation, without Security, 8 *Geo.* 2. *c.* 12. §. 3.
Salters Wages in *Scotland* not to be paid in Salt, 8 *Geo.* 2. *c.* 12. §. 4.
Rock Salt may be uſed to ſtrengthen the Brine for Sea Salt at *Neath* in *Glamorganſhire*, 14 *Geo.* 2. *c.* 22. §. 19.

Salvage.

Prizes retaken ſhall be reſtored, paying an Eighth Part for Salvage; and if taken by a private Ship, after having been Twenty four Hours in Poſſeſſion of the Enemy, a Fifth; if above Forty eight Hours, a Third; if above Ninety ſix Hours, a Moiety: if the Ship has been ſet forth by the Enemy as a Man of War, a Moiety ſhall be paid, 13 *Geo.* 2. *c.* 4. §. 18.

Scavengers.

An Act impowering the Juſtices to appoint Scavengers in Cities, extended to Market Towns, 9 *Geo.* 2. *c.* 18. §. 3.

Scotland.

Lobſters not to be taken on the Coaſt there, from 1 *June*, to 1 *Sept.* 9 *Geo.* 2. *c.* 33. §. 4.
The Power of Juſtices of Peace in regulating the Aſſiſe of Bread, extended to *Scotland*, 12 *Geo.* 2. *c.* 13. §. 2.
The Acts againſt Frauds committed by Workmen in the Manufactures of Wooll, Linen, Fuſtian, Cotton, Iron, and Leather, extended to *Scotland*, 13 *Geo.* 2. *c.* 8. §. 11.
Vagabonds to be paſſed to and from *Scotland*, 13 *Geo.* 2. *c.* 24. §. 14, 15.
An Act for encouraging the Importation of Naval Stores from *Scotland*, continued, 13 *Geo.* 2. *c.* 28. §. 1.
A Power of ſuſpending the Laws prohibiting the Importation of Victual into *Scotland*, given to the Judges there, in Time of Dearth, 14 *Geo.* 2. *c.* 7. §. 1.
The Duties upon foreign Corn imported, granted by 22 *Car.* 2. *c.* 13. together with the Clauſes relating thereto in 2 *Geo.* 2. *c.* 18. extended to *Scotland*, 14 *Geo.* 2. *c.* 7. §. 4.

Seamen.

The Act for regulating Seamen in the Merchants Service, continued, 8 *Geo.* 2. *c.* 21. § 1.
Seamen maimed in Fight againſt an Enemy, in the Merchants Service, intitled to be admitted into *Greenwich* Hoſpital, 8 *Geo.* 2. *c.* 29. §. 10.
Foreign Seamen ſerving Two Years on Board *Britiſh* Ships, during the War, to be deemed natural-born Subjects, 13 *Geo.* 2. *c.* 3. §. 2.
The Officers, Seamen, *&c.* ſhall have the ſole Property of all Prizes, 13 *Geo.* 2. *c.* 4. §. 1.
Prize Goods not to be imbeziled, on Pain of Treble Value, 13 *Geo.* 2. *c.* 4. §. 9.
Perſons above Fifty five Years of Age, or under Eighteen Years, and foreigners, freed from being impreſſed, 13 *Geo.* 2. *c.* 17. §. 1.
Every Man freed from being impreſſed for Two Years from his firſt going to Sea, and every Apprentice for Three Years, 13 *Geo.* 2. *c.* 17. §. 2, 3.
The Seamen employed in the Whale Fiſhery, not to be impreſſed, and may ſail in the Colliery Trade, 13 *Geo.* 2. *c.* 28. §. 5.
Widows of Seamen killed or drowned in His Majeſty's Service, intitled to a Years Pay, 14 *Geo.* 2. *c.* 38. §. 2.
The Act 1 *Geo.* 2. *c.* 14. that Seamen ſhall not be taken out of His Majeſty's Service by Proceſs for Debts under 20 *l.* extended to *Ireland*, 14 *Geo.* 2. *c.* 38. §. 3.
Until 25 *Mar.* 1742, no more than 35 *s. per* Month to be paid to any common Seaman, 14 *Geo.* 2. *c.* 38. §. 4.
See **Prizes, Ships.**

SERVICE AND SACRAMENTS.
See **Sacrament, Teſt Act, and Uniformity Act.**

SHEEP. See **Cattle.**

Sheffield.

For making a Chapel there a perpetual Cure, *&c.* 13 *Geo.* 2. *c.* 12.
For preſerving the Navigation of the River *Dun*, 13 *Geo.* 2. *c.* 11.

Sheriffs.

Shall grant Special Warrants at the Requeſt of the Sollicitors of the Cuſtoms and Exciſe, and are indemnified, 9 *Geo.* 2. *c.* 35. §. 32, 33.
Shall indorſe the Attornies Name on every Warrant, on Pain of 5 *l.* 12 *Geo.* 2. *c.* 13. §. 4.
Shall appoint Deputies at the Requeſt of Lords of Liberties, 13 *Geo.* 2. *c.* 18. §. 6.

Ships.

Their mooring in *Whitby Harbour* how to be regulated, 8 *Geo.* 2. *c.* 10. § 7.
The Payment of Conſulage at *Cadiz* and *Port Saint Mary*'s enforced, 9 *Geo.* 2. *c.* 25.
Britiſh Ships at their firſt Outſet to be furniſhed with one Suit of Sails made of *Britiſh* Cloth, 9 *Geo.* 2. *c.* 37. § 4.
The Payment of Conſulage at *Leghorn* enforced, 10 *Geo.* 2. *c.* 14.
Ships may be navigated with Three Fourths Foreigners, during the War, 13 *Geo.* 2. *c.* 3. § 1.
His Majeſty may by Proclamation, during any future War, permit Ships to be manned with Three Fourths Foreigners, 13 *Geo.* 2. *c.* 3. § 3.
The Admiralty ſhall grant Letters of Marque for the taking of Places, Ships, *&c.* from the Enemies, 13 *Geo.* 2. *c.* 4. § 2.
Maſters of Ships bringing over Beggars, *&c.* being Natives of *Ireland*, *Man*, *Jerſey*, *&c.* forfeit 5 *l.* 13 *Geo.* 2. *c.* 24. § 16.
Maſters of Ships refuſing to tranſport Vagrants, forfeit 5 *l.* 13 *Geo.* 2. *c.* 24. § 11.
See **Admiralty, Ballaſt, Cuſtoms, Greenland, Letters of Marque, Longitude, Pilots, Prizes, Salvage, Seamen, Spain.**

SHOEMAKERS. See **Cordwainers, Curriers.**

Silk.

An Act for encouraging the Manufacture continued, 8 *Geo.* 2. *c.* 18. § 2.
Clauſes for preventing Frauds in mixing Silks with Stuffs to be exported, continued, 8 *Geo.* 2. *c.* 18. § 3.

Sinking Fund.

One Million granted out of it for the Service of the Year 1735, 8 *Geo.* 2. *c.* 11.
His Majeſty enabled to borrow 600,000 *l.* upon the *Sinking Fund*, 9 *Geo.* 2. *c.* 34.
One Million and a Half granted out of the *Sinking Fund*, and Half a Million borrowed upon it, for the Service of the Year 1738, 11 *Geo.* 2. *c.* 27.
Half a Million granted out of the *Sinking Fund*, and Half a Million borrowed upon it, for the Service of the Year 1739, 12 *Geo.* 2. *c.* 19.
One Million granted out of the *Sinking Fund*, and 200,000 *l.* borrowed upon it, for the Service of the Year 1740, 13 *Geo.* 2. *c.* 23.
One Million granted out of the *Sinking Fund* for the Service of the Year 1741, 14 *Geo.* 2. *c.* 41. § 1.

Soldiers.

After they are inliſted, may diſſent before a Magiſtrate, 8 *Geo.* 2. *c.* 2. § 57. 14 *Geo.* 2. *c.* 9. § 59.
Rules for the Application of Half-pay, 8 *Geo.* 2. *c.* 22. § 149, 150. *and the other Appropriation Acts.*
Secretary at War to give Orders for removing Soldiers to Two Miles Diſtance, before an Election of Members of Parliament, 8 *Geo.* 2. *c.* 30. § 1. on Pain of being incapable of His Majeſty's Service, § 2. but the Act not to extend to *Weſtminſter*, *Southwark*, or any Place where the King or any of the Royal Family ſhall reſide, or to any Gariſon, § 3. or to any Soldier having Right to vote, § 4.
Inliſting His Majeſty's Subjects in the Service of a Foreign Prince, Felony without Benefit of Clergy, 9 *Geo.* 2. *c.* 30. § 1.
Soldiers guilty of Mutiny, or deſerting, or holding Correſpondence with Rebels or Enemies, or uſing Violence againſt their Officers in the Execution of their Office, or refuſing to obey lawful Command; to ſuffer Death, or ſuch other Puniſhment as a Court-martial ſhall inflict, 14 *Geo.* 2. *c.* 9. § 1.
By what Authority Courts-martial may be held, and their Power, 14 *Geo.* 2. *c.* 9. § 2, *&c.*
Penalty on falſe Certificates to excuſe Soldiers from Muſters, 14 *Geo.* 2. *c.* 9. § 8. and on falſe Muſters, § 9, *&c.*
Soldiers Subſiſtence Money and Pay, 14 *Geo.* 2. *c.* 9. § 14.
Where to be quartered, and how, and by whom, 14 *Geo.* 2. *c.* 9. § 18.
Carriages to be provided for the Troops, and by whom, and at what Rates, 14 *Geo.* 2. *c.* 9. § 32.
Penalty on Officers and Soldiers deſtroying the Game, 14 *Geo.* 2. *c.* 9. § 39.
Deſerters to be committed by the Juſtices, 14 *Geo.* 2. *c.* 9. § 41.
Penalty on concealing Deſerters, or buying any Soldiers Arms, Cloaths, *&c.* 14 *Geo.* 2. *c.* 9. § 43.
His Majeſty may make Articles of War, 14 *Geo.* 2. *c.* 9. § 45.
The Penalty of 40 *l.* by 1 *Geo.* 1. *c.* 47. for ſeducing Soldiers to deſert, may be ſued for in the Courts at *Weſtminſter*, *&c.* 14 *Geo.* 2. *c.* 9. § 53.
No Perſon liſted, *&c.* ſhall be taken out of the Service by Proceſs, other than for ſome criminal Matter, or a Cauſe of Action of the Value of 10 *l.* 14 *Geo.* 2. *c.* 9. § 54.
Officers and Perſons employed in the Trains of Artillery, ſubjected to the Penalties of the Mutiny Act, 14 *Geo.* 2. *c.* 9. § 62.
See **Half-pay.**

Somerſetſhire.

For repairing the Highways there, 12 *Geo.* 2. *c.* 26.

South Sea Company.

One Million of *New South Sea Annuities* paid off, 9 *Geo.* 2. *c.* 34. § 12.
One Million of *Old South Sea Annuities* paid off, 10 *Geo.* 2. *c.* 17. § 35.

Spain.

Importation of *Spaniſh* Goods prohibited during the War, 13 *Geo.* 2. *c.* 27. § 1. but the Prohibition may be taken off by Proclamation or Order of Council, § 5.
Spaniſh Goods ſeiſed and condemned in *Jerſey*, *&c.* may be imported, 13 *Geo.* 2. *c.* 27. § 8.
A certain Quantity of *Spaniſh* Silk permitted to be imported, 14 *Geo.* 2. *c.* 4.

SPIRITUOUS LIQUORS. See **Brandy.**

Staffordſhire.

For Repair of the Roads there, 8 *Geo.* 2. *c.* 5.

Stage Players.

Acting within Five Miles of either of the Univerſities, to be deemed Rogues and Vagabonds, 10 *Geo.* 2. *c.* 19. § 1.
Acting without Authority, where they have no legal Settlement, to be deemed Vagabonds, 10 *Geo.* 2. *c.* 28. § 1. and forfeit 50 *l.* § 2.
No new Play to be acted, unleſs a Copy ſent to the Lord Chamberlain Fourteen Days before, 10 *Geo.* 2. *c.* 28. § 3.
Acting contrary to the Lord Chamberlain's Prohibition, forfeits 50 *l.* and their Licence, 10 *Geo.* 2. *c.* 28. § 4.
No Plays to be acted but in *Weſtminſter*, and where His Majeſty ſhall reſide, 10 *Geo.* 2. *c.* 28. § 5.

Stamford.

For amending the Highways there, 12 *Geo.* 2. *c.* 8.

Stamp Duties.

The Duty on Writs, granted for Relief of the Suitors of the Court of Chancery, continued, 9 *Geo.* 2. *c.* 32.

Stanes Bridge.

For the Maintenance of it, 13 *Geo.* 2. *c.* 25.

Stephens. (Joanna)

A Reward of 5000 *l.* for the Diſcovery of her Medicine diſſolving the Stone, 12 *Geo.* 2. *c.* 23.

Stock-jobbing.

The Act againſt it made perpetual, 10 *Geo.* 2. *c.* 8.
The Act 6 *Geo.* 2. *c.* 18. againſt unlawful Undertakings and Subſcriptions, extended to the Plantations in *America*, 14 *Geo.* 2. *c.* 37. § 1.
The Bank attempted to be ſet up in *America* ſuppreſſed, 14 *Geo.* 2. *c.* 37. § 2, *&c.*

STORES. See **Naval Stores.**

Sugar Colonies.

The Act for ſecuring their Trade continued, 11 *Geo.* 2. *c.* 18. § 2.

Sugars may be exported from the Plantations in *Britiſh* Ships, of which a Majority of the Owners reſide in *Great Britain*, to any Part of *Europe*, taking a Licence from the Commiſſioners of the Cuſtoms, *&c.* 12 *Geo.* 2. *c.* 30. § 2.

If the Sugars are landed at any Part South of *Cape Finiſterre*, the Ship need not touch at *Great Britain*, but muſt return thither within Eight Months, 12 *Geo.* 2. *c.* 30. § 8.

Surrey.

For amending the Roads there, 10 *Geo.* 2. *c.* 23. 11 *Geo.* 2. *c.* 36. 12 *Geo.* 2. *c.* 16.

Suſſex.

For amending the Roads there, 10 *Geo.* 2. *c.* 23. 14 *Geo.* 2. *c.* 12.

Sweets.

The Duty of 36 *s. per* Barrel repealed, and a Duty of 12 *s.* a Barrel laid upon Sweets and Made Wines, 10 *Geo.* 2. *c.* 17.

Deſcription of Liquors liable to the Duty, 10 *Geo.* 2. *c.* 17. § 2.

Taxes.

Acts for granting Aids to His Majeſty by a Land Tax, 8 *Geo.* 2. *c.* 23. 9 *Geo.* 2. *c.* 3. 10 *Geo.* 2. *c.* 3. 11 *Geo.* 2. *c.* 14. 12 *Geo.* 2. *c.* 3. 13 *Geo.* 2. *c.* 2. 14 *Geo.* 2. *c.* 1.

TEA. See **Brandy, Cuſtoms.**

Tenants.

Tenants holding over their own Warning, to pay double Rent, 11 *Geo.* 2. *c.* 19. § 18.

See **Attornment, Diſtreſs, Ejectments, Rents.**

Teſt Act.

Time given to thoſe who have omitted to qualify, 8 *Geo.* 2. *c.* 17. 9 *Geo.* 2. *c.* 26. § 1. 10 *Geo.* 2. *c.* 13. 11 *Geo.* 2. *c.* 31. 12 *Geo.* 2. *c.* 6. 13 *Geo.* 2. *c.* 6. 14 *Geo.* 2. *c.* 18.

The Time for qualifying inlarged to Six Months, 9 *Geo.* 2. *c.* 26. § 3. and in Caſes of Perſons beyond the Sea, till Six Months after their Return, § 4.

THAMES. See **Wears.**

Tin.

A Drawback allowed upon the Coals uſed in the Fire Engines for draining the Water out of the Tin Mines in *Cornwall*, 14 *Geo.* 2. *c.* 41. § 3.

Trials.

Of Felonies in deſtroying Turnpikes, or Works of navigable Rivers, may be in any County, 8 *Geo.* 2. *c.* 20. § 3.

Of Felony committed out of the Realm by inliſting His Majeſty's Subjects in the Service of a foreign Prince, may be in any County, 9 *Geo.* 2. *c.* 30. § 2.

Indictments, *&c.* for Aſſaults upon Officers of the Cuſtoms or Exciſe, may be tried in any County, 9 *Geo.* 2. *c.* 35. § 26.

On Trials of Seizures by Officers of the Cuſtoms or Exciſe, the Seizure ſhall be taken to be made as ſet forth in the Information, without Evidence, 9 *Geo.* 2. *c.* 35. § 34.

On a Plaintiff's Neglect of proceeding to Trial, the Court may give Judgement as in Caſes of Nonſuit, 14 *Geo.* 2. *c.* 17. § 1.

No Cauſe ſhall be tried at *Niſi prius*, where the Defendants reſide above Forty Miles from *London*, *&c.* without Ten Days Notice, 14 *Geo.* 2. *c.* 17. § 4.

On Default of Six Days countermand, the Party ſhall pay Coſts, 14 *Geo.* 2. *c.* 17. § 5.

TURNPIKES. See **Highways.**

Vagrants.

Stage Players acting within Five Miles of either of the Univerſities, to be deemed Rogues and Vagabonds, 10 *Geo.* 2. *c.* 19. § 1.

Players acting without Licence, where they have no legal Settlement, deemed Vagabonds, 10 *Geo.* 2. *c.* 28. § 1.

Perſons who threaten to leave their Wives or Children to the Pariſh, who return after Removal without a Certificate, and who not having wherewith, *&c.* live idle and refuſe to work, and Perſons going about or placing themſelves in Streets to beg in the Pariſhes where they dwell; deemed idle and diſorderly Perſons, and may be ſent to the Houſe of Correction; and ſuch Beggars eſcaping, *&c.* to be puniſhed as Rogues and Vagabonds; and 5 *s.* to be paid by the Overſeers of the Poor for apprehending them, 13 *Geo.* 2. *c.* 24. § 1.

Patent Gatherers, and Gatherers under falſe Pretenſes of Loſs by Fire, *&c.* Collectors for Priſons or Hoſpitals, Fenſers and Bearwards, common Players of Interludes, and all who ſhall act for Hire any Interlude, *&c.* not having a legal Settlement in the Place, without Authority; all Minſtrels, Jugglers, Gypſies, Perſons pretending to Skill in Phyſiognomy, *&c.* or to tell Fortunes, or uſing any ſubtil Craft to deceive, or playing at unlawful Games; and all who run away and leave their Wives or Children to any Pariſh, and Pedlars wandering not licenſed, and Perſons wandering abroad, and lodging in Outhouſes, not giving a good Account of themſelves, and all Perſons wandering abroad and begging; deemed Rogues and Vagabonds, 13 *Geo.* 2. *c.* 24. § 2.

The Act not to extend to Soldiers having Certificates of their Officers, Seafaring Men licenſed by ſome Juſtice of Peace, or Perſons going to work in Harveſt carrying a Certificate of the Miniſter, *&c.* 13 *Geo.* 2. *c.* 24. § 3.

End Gatherers offending againſt 13 *Geo.* 1. *c.* 23. and Perſons apprehended as Rogues and eſcaping, *&c.* and Perſons eſcaping from any Houſe of Correction when confined by virtue of this Act, and Vagabonds offending after Conviction, to be deemed incorrigible Rogues, 13 *Geo.* 2. *c.* 24. § 4.

Any Perſon may apprehend Rogues, and convey them to ſome Juſtice; and any Inhabitant neglecting, being charged by a Juſtice, where no Officer can be found, forfeits 10 *s.* and Juſtices may order Conſtables to pay 10 *s.* to Perſons apprehending Rogues, 13 *Geo.* 2. *c.* 24. § 5.

Juſtices ſhall four Times in the Year, or oftner, command a Privy Search, 13 *Geo.* 2. *c.* 24. § 6.

Vagabonds ſhall be examined upon Oath, and paſſed, 13 *Geo.* 2. *c.* 24. § 7. or ſent to the Houſe of Correction, § 9.

Incorrigible Rogues may be ſent to the Houſe of Correction, and whipped, and afterwards paſſed; and breaking out, ſhall be guilty of Felony, and tranſported, 13 *Geo.* 2. *c.* 24. § 10.

Incor-

Incorrigible Rogues, afterwards found begging, may be ſent to the Houſe of Correction, and be publickly whipped, 13 *Geo.* 2. *c.* 24. § 11.
Vagabonds to be conveyed by Conſtables, or Maſters of Houſes of Correction, 13 *Geo.* 2. *c.* 24. § 12, 13.
Vagabonds to be paſſed to and from *Scotland*, 13 *Geo.* 2. *c.* 24. § 14, 15.
Maſters of Ships that bring over Beggars, *&c.* being Natives of *Ireland*, *Man*, *Jerſey*, *&c.* forfeit 5 *l.* *&c.* and the Beggars may be whipped, and ſent back, paying ſuch Rates for Paſſage as the Quarter Seſſions ſhall appoint, 13 *Geo.* 2. *c.* 24. § 16.
Maſters of Ships refuſing to tranſport Vagrants, forfeit 5 *l.* 13 *Geo.* 2. *c.* 24. § 18.
Rates for paſſing Vagrants to be paid by the High Conſtables, *&c.* 13 *Geo.* 2. *c.* 24. § 20.
Vagrants refuſing to work, may be ſent to the Houſe of Correction, 13 *Geo.* 2. *c.* 24. § 23.
Conſtables, Maſters of Houſes of Correction, *&c.* neglecting their Duty in apprehending Vagrants, *&c.* or any Perſons diſturbing the Execution of the Act, *&c.* forfeit not exceeding 5 *l.* 13 *Geo.* 2. *c.* 24. § 26.
Lodging any Rogue, and not apprehending him or giving Notice, forfeits not exceeding 40 *s.* 13 *Geo.* 2. *c.* 24. § 27.
Former Laws, relating to Vagrants, repealed, 13 *Geo.* 2. *c.* 24. §. 36.
Juſtices may ſend Vagrants to the moſt convenient Houſe of Correction, 14 *Geo.* 2. *c.* 33. §. 3.

Victuals.

The Exportation of Corn, Meal, Bread, Starch, Beef, Pork, or Bacon, prohibited for a Time, 14 *Geo.* 2. *c.* 3. § 1.
His Majeſty may permit the Exportation by Proclamation or Order of Council, 14 *Geo.* 2. *c.* 3. § 12.

Uniformity Act.

Time given to Perſons who have omitted to make the Declarations, 8 *Geo.* 2. *c.* 4. 9 *Geo.* 2. *c.* 6. 11 *Geo.* 2. *c.* 31.

Univerſities.

Excepted out of the Mortmain Act, 9 *Geo.* 2. *c.* 36. § 4.
Colleges poſſeſſed of more Advowſons in Number than a Moiety of the Fellows, not to purchaſe more, 9 *Geo.* 2. *c.* 36. § 5.
Stage Players acting within Five Miles of either of the Univerſities, to be deemed Rogues and Vagabonds, 10 *Geo.* 2. *c.* 19. § 1.
The Clauſe in 9 *Geo.* 2. *c.* 23. that Diſtillers may follow any Trade, not to affect the Privileges of the Univerſities with Reſpect to granting Wine Licences, 10 *Geo.* 2. *c.* 19. § 2.
Grants made by Papiſts of Eccleſiaſtical Livings veſted in the Univerſities, void, 11 *Geo.* 2. *c.* 17. § 5.

Wakefield.

For amending the Highways there, 14 *Geo.* 2. *c.* 19, 23.

Warrants.

The not indorſing Warrants upon Writs with the Attorney's Name, ſhall not vitiate, but the Sheriff ſhall forfeit 5 *l.* 12 *Geo.* 2. *c.* 13. § 4.

Warwickſhire.

For amending the Roads there, 10 *Geo.* 2. *c.* 11. 12 *Geo.* 2. *c.* 18. 13 *Geo.* 2. *c.* 5, 22.

WATCHING. See **Paving**, &c.

Waterbeach Level.

For the draining of it, 14 *Geo.* 2. *c.* 24.

WATER CARRIAGE. See **Wears.**

Watermen.

For regulating the Company of Watermen rowing on the *Thames*, 10 *Geo.* 2. *c.* 31.
Watermen and Lightermen not to take Apprentices but of the Age of 14 Years, and not exceed 20 Years, 10 *Geo.* 2. *c.* 31. § 1.
Watermens Apprentices to be taken for Seven Years at leaſt, and inrolled, 10 *Geo.* 2. *c.* 31. § 2.
No Waterman, *&c.* ſhall have more Apprentices than Two at a Time, nor take the Second till the Firſt has ſerved Four Years, 10 *Geo.* 2. *c.* 31. § 4.
Watermen, *&c.* not to keep Apprentices, unleſs they are Occupiers of Houſes, and the Apprentices to lodge in the ſame Houſe with them, 10 *Geo.* 2. *c.* 31. § 5.
Proprietors of 12 Lighters may take Two Apprentices at one Time, and Proprietors of 20 Lighters may take Four, 10 *Geo.* 2. *c.* 31. § 7.
No more Paſſengers than 37 to be taken into a Tilt-boat, and Three more by the Way; nor more than Eight in another Boat, and Two more by the Way; nor more than Eight in a *Sunday's* Ferry; on Pain of 5 *l.* For the firſt Offenſe, *&c.* and if more are taken in, and any Paſſenger ſhall be drowned, the Offenders ſhall be tranſported as Felons, 10 *Geo.* 2. *c.* 31. § 8.
No Tilt-boat to be worked under 15 Tons, nor other Paſſage Boat in the long Ferry between *London* and *Graveſend* under Three Tons, 10 *Geo.* 2. *c.* 31. § 9.
No *Graveſend* Wherries (except Tilt-boats) to have Bails nailed, and not moveable, 10 *Geo.* 2. *c.* 31. § 10.
Graveſend Wherries loſing their Tide, and landing ſhort Two Miles, not to be paid for the Paſſage, 10 *Geo.* 2. *c.* 31. § 11.
A Bell to be rung at High Water at *Billingſgate*, and at Flood at *Graveſend*, for the Departure of the Wherries; and the Wherries to be navigated by Two Men, the Youngeſt of the Age of Eighteen, 10 *Geo.* 2. *c.* 31. § 12.

Wears.

An Act for preventing Exactions by the Occupiers of Locks and Wears upon the *Thames*, and for aſcertaining the Rates of Water Carriage, continued, 13 *Geo.* 2. *c.* 18. § 2.

Whitby.

For improving the Harbour there, 8 *Geo.* 2. *c.* 10.

Whitehaven.

For preſerving the Harbour and amending the Highways there, 13 *Geo.* 2. *c.* 14.

Wild Fowl.

Penalty of taking Water Fowl in the Moulting Seaſon, 10 *Geo.* 2. *c.* 32. § 10.

Wills.

Affecting Lands in the *North Riding* of *Yorkſhire*, how and when to be regiſtred, 8 *Geo.* 2. *c.* 6. § 15.

Wiltſhire.

For amending the Highways there, 14 *Geo.* 2. *c.* 29.

Windsor.

For repairing the Bridge there, 9 *Geo.* 2. *c.* 15.

Wine.

Made of *Britiſh* Grapes by the Owners of the Vineyards, exempted from the Duty upon Sweets, 10 *Geo.* 2. *c.* 17. § 7.
Made Wines not to be retaled without Licence, 10 *Geo.* 2. *c.* 17. § 10.

WITCHCRAFT. See **Conjuration.**

Wool and Woollen.

The Duties upon Woollen or Bay Yarn, imported from *Ireland*, taken off, 12 *Geo.* 2. *c.* 21. § 1. but not to diſcharge Worſted Yarn or Cruel, § 4.
Wool ſlightly worked, not to be exported, 12 *Geo.* 2. *c.* 21. § 9.
Wool to be made up in Packs or Truſſes only, and marked, 12 *Geo.* 2. *c.* 21. § 10.
No Wool to be ſhipped without Notice to Officers of the Cuſtoms, and Security, 12 *Geo.* 2. *c.* 21. § 11.
Wool not to be ſhipped or landed, but in the Preſence of the Officers of the Cuſtoms, 12 *Geo.* 2. *c.* 21. § 13.
Seiſures or Informations relating to the tranſporting of Wool, to be only by Officers of the Revenue, 12 *Geo.* 2. *c.* 21. § 14. but not to take away the Power of the Officers of the Ships of War, § 15.
Officer of the Revenue making a colluſive Seiſure, *&c.* forfeits 200*l.* *&c.* 12 *Geo.* 2. *c.* 21. § 16.
Penalty of 300*l.* for offering to bribe an Officer to connive at tranſporting Wool, *&c.* 12 *Geo.* 2. *c.* 21. § 25.
Hindering an Officer, or attempting with Arms or in Diſguiſe to reſcue Wool, to be puniſhed with Tranſportation, 12 *Geo.* 2. *c.* 21. § 26.
The Act 4 *Geo.* 1. *c.* 11. extended to the Aiders and Abetters of Exporters of Wool, 12 *Geo.* 2. *c.* 21. § 27.
Inſuring the Exportation of Wool prohibited, on Pain of 500*l.* 12 *Geo.* 2, *c.* 21. § 29, 30.
Policies of Inſurance on Ships, which have Wool, *&c.* on Board, void, 12 *Geo.* 2. *c.* 21. § 33.
See **Drapery, Ireland, Manufactures.**

Woolwich.

For building a Church there, 12 *Geo.* 2. *c.* 9.

Worceſter.

For amending the Roads there, 10 *Geo.* 2. *c.* 5.
For rebuilding the Churches there, 11 *Geo.* 2. *c.* 5. 12 *Geo.* 2, *c.* 4.

Worſley Brook.

To be made navigable, 10 *Geo.* 2. *c.* 9.

YARN. See **Wooll,** &c.

Yorkſhire.

Deeds and Wills affecting Lands in the *North Riding* to be regiſtred, 8 *Geo.* 2. *c.* 6.
The Makers of Narrow Woollen Cloths in the *Weſt Riding*, to mark them, *&c.* 11 *Geo.* 2. *c.* 28. § 1, *&c.* 14 *Geo.* 2. *c.* 35.
For amending the Highways there, 8 *Geo.* 2. *c.* 7. 14 *Geo.* 2. *c.* 19, 23, 25, 28, 31, 32.

F I N I S.